NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

[R05-147]

PREAMBLE

1. Sections Affected — **Rulemaking Action**

R9-22-102	Amend
R9-22-210	Amend
R9-22-210.01	New Section
R9-22-217	Amend
R9-22-1205	Amend
R9-22-1208	Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 36-2903.01(F)

Implementing statute: A.R.S. § 36-2907(F)

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 10 A.A.R. 1895, May 7, 2004

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Jane McVay

Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Telephone: (602) 417-4135

Fax: (602) 253-9115

E-mail: AHCCCSRules@ahcccs.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

AHCCCS members are eligible to receive behavioral health services through subcontractors of the Arizona Department of Health Services (ADHS), Division of Behavioral Health Services (DBHS), under a contract between AHCCCS and ADHS/DBHS. Behavioral health services are also provided to Native Americans through the Indian Health Service (IHS) or Tribal 638 facilities. If a covered behavioral health service is not available from the IHS or an 638 facility, the member must enroll with a Tribal Regional Behavioral Health Authority (TRBHA), if available, or a Regional Behavioral Health Authority (RBHA), to receive services.

AHCCCS' rules currently provide that a contractor shall provide emergency inpatient behavioral health services for up to 3 days per episode, not to exceed 12 days per contract year (October 1 to September 30), for an AHCCCS member who is not yet enrolled with a TRBHA or a RBHA. The rule changes clarify when ADHS/DBHS is responsible for inpatient emergency behavioral health services for a member enrolled with a contractor. These changes are contained in the behavioral health service contract that has existed between AHCCCS and ADHS/DBHS for the past two

years. The rules also create a new Section, R9-22-210.01, to delineate emergency behavioral health service provisions for members who do not receive services through the Federal Emergency Services Program (FESP).

The rules also implement emergency service requirements for managed care entities as described in the Balanced Budget Act of 1997 and the implementing regulations, published in the Federal Register on June 14, 2002. These rule changes include the definition of emergency medical condition and post-stabilization care requirements. In addition, the rule changes include notification requirements for members enrolled with a contractor who receive emergency medical and behavioral health services, and for Fee-For-Service (FFS) members who receive these services. The rules also state that prior authorization is not required for emergency medical and behavioral health services. In addition, the rule changes make the emergency medical and behavioral health service rules more clear, concise, understandable, and user-friendly.

These rules also clarify the definition of an emergency medical and behavioral health condition for a FFS member who is eligible for emergency medical and behavioral services.

These rules revise provisions on emergency services for persons who receive medical and behavioral health services as non-Federal Emergency Services members. The rules modify notification requirements for medical and behavioral health services provided to members.

The rules repeal R9-22-1208 regarding the grievance system process for emergency behavioral health services. A new Chapter regarding the grievance system process, Chapter 34, was enacted in a final rulemaking effective April 3, 2004. In the same rulemaking, Articles 8 and 13 regarding the grievance system process, were repealed.

These rules make the following significant changes:

- Clarifies that for members enrolled with a contractor, ADHS/DBHS or its subcontractor has fiscal and clinical responsibility for inpatient psychiatric emergency services from one of the following time periods, whichever comes first, either on the date on which the member becomes a behavioral health recipient, or the seventy-third hour from admission.
- Emergency services are covered inpatient and outpatient services provided by a qualified Medicaid provider.
- Provides a definition of emergency behavioral health condition for the non-FES member, emergency behavioral health services for the non-FES member, emergency medical services for the non-FES member, and emergency medical condition for the non-FES member.
- Establishes post-stabilization procedures and states the responsible entity for providing these services.
- Specifies the verification requirements for emergency medical and behavioral health services.
- States that prior authorization is not required for emergency medical and behavioral health services.
- Specifies the entities responsible for providing emergency medical and behavioral health services.
- Specifies the requirements for emergency medical and behavioral health services.
- Defines emergency medical and behavioral health condition for a FES member, which does not include the prudent layperson standard.
- Sets provider notification requirements to AHCCCS for emergency medical services on admission to a hospital intensive care unit for emergency medical and behavioral health services.
- Updates the service provider licensing terminology for providers who may bill independently for behavioral health services.
- Defines emergency behavioral health condition for the non-FES member and emergency medical condition for the non-FES member in accordance with the prudent layperson standard defined in the BBA.
- Prohibits denial of payment by the AHCCCS Administration and AHCCCS contractors for emergency medical services due to lack of prior authorization, on the basis of lists of diagnoses or symptoms, and because the provider does not have a subcontract.
- Provides that ADHS/DBHS or its subcontractor is responsible for all inpatient emergency behavioral health services for non-FES members.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in relation to these rules.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

The rule has no impact on the authority of political subdivisions.

8. The preliminary summary of the economic, small business, and consumer impact:

AHCCCS anticipates that the economic impact of the rules on consumers and small businesses will be minimal. These rule changes conform to the requirements of the Balanced Budget Act (BBA) of 1997. The rules are consistent with the current contract between AHCCCS and ADHS/DBHS and the contract between AHCCCS and the health plans. Since ADHS/DBHS and the health plans have been operating pursuant to the contract requirements, the rule changes will have minimal fiscal impacts on small businesses and consumers. The BBA requirements were considered by actuaries in determining the capitation rates paid to hospitals for emergency medical and behavioral health services. AHCCCS believes that the notification rule changes will have a beneficial impact on AHCCCS FFS and FESP members and providers.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name:	Jane McVay
Address:	AHCCCS Office of Legal Assistance 701 E. Jefferson, Mail Drop 6200 Phoenix, AZ 85034
Telephone:	(602) 417-4135
Fax:	(602) 253-9115
E-mail:	AHCCCSRules@ahcccs.state.az.us

Proposed rule language will be available on the AHCCCS web site www.ahcccs.state.az.us the week of April 18th, 2005. Please send written comments to the above address by 5:00 p.m., June 22, 2005.

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date:	June 22, 2005
Time:	2:00 p.m.
Location:	AHCCCS 701 E. Jefferson Phoenix, AZ 85034 Gold Room
Nature:	Public Hearing

Date:	June 22, 2005
Time:	2:00 p.m.
Location:	ALTCS: Arizona Long-term Care System 110 S. Church, Suite 1360 Tucson, AZ 85701 Training Room
Nature:	Public Hearing

Date:	June 22, 2005
Time:	2:00 p.m.
Location:	ALTCS: Arizona Long-term Care System 3480 E. Route 66 Flagstaff, AZ 86004 Conference Room
Nature:	Public Hearing

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

ARTICLE 1. DEFINITIONS

Section
R9-22-102. Scope of Services Related Definitions

ARTICLE 2. SCOPE OF SERVICES

Section
R9-22-210. Emergency Medical ~~and Behavioral Health~~ Services for Non-FES Members
R9-22-210.01. Emergency Behavioral Health Services for Non-FES Members
R9-22-217. Services Included in the Federal Emergency Services ~~Programs~~ Program

ARTICLE 12. BEHAVIORAL HEALTH SERVICES

Section
R9-22-1205. Scope and Coverage of Behavioral Health Services
R9-22-1208. ~~Grievance and Request for Hearing Process~~ Repealed

ARTICLE 1. DEFINITIONS

R9-22-102. Scope of Services Related Definitions

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meanings unless the context explicitly requires another meaning:

"ADHS" means the Arizona Department of Health Services.

"Behavioral health recipient" means a Title XIX or Title XXI acute care member who is eligible for, and is receiving behavioral health services through ADHS/DBHS.

"Children's Rehabilitative Services" means the program within ADHS that provides covered medical services and covered support services in accordance with A.R.S. § 36-261.

"Covered services" means the health and medical services described in Articles 2 and 12 of this Chapter as being eligible for reimbursement by AHCCCS.

"DBHS" means the Division of Behavioral Health Services within the Arizona Department of Health Services.

"Dentures" means a partial or complete set of artificial teeth and services that are determined to be medically necessary and the primary treatment of choice, or an essential part of an overall treatment plan, designed to alleviate a medical condition as determined by the primary care provider in consultation with the dental service provider.

"Diagnostic services" means services provided for the purpose of determining the nature and cause of a condition, illness, or injury.

"DME" means durable medical equipment, which is an item or appliance that can withstand repeated use, is designed to serve a medical purpose, and is not generally useful to a person in the absence of a medical condition, illness, or injury.

"Emergency behavioral health condition for the non-FES member" means a condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

1. Placing the health of the person in serious jeopardy;
2. Serious impairment to bodily functions;
3. Serious dysfunction of any bodily organ or part; or
4. Serious physical harm to another person.

"Emergency behavioral health services for the non-FES member" means those behavioral health services provided for the treatment of an emergency behavioral health condition.

"Emergency medical condition for the non-FES member" means treatment for a medical condition, including labor and delivery, which manifests itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

1. Placing the patient's health in serious jeopardy;
2. Serious impairment to bodily functions; or
3. Serious dysfunction of any bodily organ or part.

"Emergency medical services for the non-FES member" means services provided ~~after~~ for the treatment of an ~~the sudden onset of a~~ emergency medical condition. ~~manifesting itself by acute symptoms of sufficient severity, including severe pain~~, ~~that the absence of immediate medical attention could~~ ~~reasonably be expected to result in:~~

~~Placing the patient's health in serious jeopardy;~~
~~Serious impairment to bodily functions; or~~
~~Serious dysfunction of any bodily organ or part.~~

"FES member" means a person who is eligible to receive emergency medical and behavioral health services through the FES program under R9-22-217.

"Fee-For-Service" or "FFS" means a method of payment to registered providers on an amount per service basis.

"Hearing aid" means an instrument or device designed for, or represented by the supplier as aiding or compensating for impaired or defective human hearing, and any parts, attachments, or accessories of the instrument or device.

"Home health services" means the services that are provided by a home health agency that coordinates in-home intermittent services for curative, habilitative care. This includes home-health aide services, licensed nurse services, and medical supplies, equipment, and appliances.

"Medical supplies" means consumable items that are designed specifically to meet a medical purpose.

"Non-FES member" means a person who is AHCCCS eligible and is entitled to full AHCCCS services.

"Occupational therapy" means the medically prescribed treatment provided by or under the supervision of a licensed occupational therapist, to restore or improve an individual's ability to perform tasks required for independent functioning.

"Pharmaceutical service" means medically necessary medications that are prescribed by a physician, practitioner, or dentist under R9-22-209.

"Physical therapy" means treatment services to restore or improve muscle tone, joint mobility, or physical function provided by or under the supervision of a registered physical therapist.

"Physician" means a person licensed as an allopathic or osteopathic physician under A.R.S. Title 32, Chapter 13 or Chapter 17.

"Post-stabilization service" means a covered service related to an emergency medical or behavioral health condition provided after the condition is stabilized.

"Practitioner" means a physician assistant licensed under A.R.S. Title 32, Chapter 25, or a certified nurse practitioner licensed under A.R.S. Title 32, Chapter 15.

"Prescription" means an order to provide covered services, which is signed or transmitted by a provider authorized to prescribe or order services.

"Primary care provider" or "PCP" means an individual who meets the requirements of A.R.S. § 36-2901(12) and (13), and who is responsible for the management of a member's health care.

"Primary care provider services" means healthcare services provided by and within the scope of practice, as defined by law, of a licensed physician, certified nurse practitioner, or licensed physician assistant.

"Prior authorization" means the process by which the Administration or contractor, whichever is applicable, authorizes, in advance, the delivery of covered services contingent on the medical necessity of the services.

~~"Private duty nursing services" means nursing services provided to a member who requires more individual and continuous care than is available from a visiting nurse, or routinely provided by the nursing staff of a nursing facility or ICF-MR, and that are provided by a registered nurse or licensed practical nurse.~~

"Radiology" means professional and technical services rendered to provide medical imaging, radioisotope services, and radiation oncology.

"Rehabilitation services" means physical, occupational, and speech therapies, and items to assist in improving or restoring a person's functional level.

"Respiratory therapy" means treatment services to restore, maintain, or improve respiratory functions that are provided by, or under the supervision of, a respiratory therapist licensed according to A.R.S. Title 32, Chapter 35.

"Scope of services" means the covered, limited, and excluded services under Articles 2 and 12 of this Chapter.

"Specialist" means a Board eligible or certified physician who declares himself or herself as a specialist and practices a specific medical specialty. For the purposes of this definition, Board eligible means a physician who meets all the requirements for certification but has not tested for, or has not been issued certification.

"Speech therapy" means medically prescribed diagnostic and treatment services provided by, or under the supervision of, a certified speech therapist.

"Sterilization" means a medically necessary procedure, not for purpose of family planning, to render an eligible person or member barren in order to:

Prevent the progression of disease, disability, or adverse health conditions; or
Prolong life and promote physical health.

ARTICLE 2. SCOPE OF SERVICES

R9-22-210. Emergency Medical ~~and Behavioral Health~~ Services for Non-FES Members

~~**A.** For members enrolled with a contractor, AHCCCS contractors shall reimburse providers for emergency services as defined by and to the extent required by 42 U.S.C. 1396u-2.~~

~~**B.** Verification. A provider of emergency services shall verify a member's eligibility and enrollment status through the Administration to determine the need for notification to a contractor for a member, or the Administration for a FFS member, and to determine the party responsible for payment of services rendered.~~

~~**C.** Access. A contractor shall ensure access to an emergency room and emergency medical or behavioral health services, which are available 24 hours per day, seven days per week in each contractor's service area. A contractor shall ensure that the use of an examining or a treatment room is available if required by a physician or a practitioner for the provision of emergency services.~~

~~**D.** Behavioral health evaluation. A behavioral health evaluation provided by a psychiatrist or a psychologist is covered as an emergency service under this Section if required to evaluate or stabilize an acute episode of mental disorder or substance abuse.~~

~~**E.** Prior authorization. An emergency service does not require prior authorization; however, a provider shall comply with the following notification requirements to a contractor:~~

~~1. A provider and a noncontracting provider furnishing emergency services to a member shall notify a member's contractor within 12 hours from the time a member presents for services;~~

~~2. If a member's medical condition is determined by the provider not to be an emergency medical condition, a provider shall:~~

~~a. Notify the member's contractor before initiation of treatment; and~~

~~b. Follow the prior authorization requirements and protocol of the contractor regarding treatment of the member's nonemergency medical condition. Failure of the provider to obtain prior authorization is cause for denial.~~

~~**F.** Post-stabilization services. After a member's emergency medical condition is stabilized, a provider or a noncontracting provider shall request authorization from the contractor for post-stabilization services under 42 U.S.C. 1396u-2.~~

~~**G.** A provider of emergency services for a FFS member is not required to notify the Administration.~~

A. General Provisions.

1. Applicability. This Section applies to emergency medical services for non-FES members. Provisions regarding emergency behavioral health services for non-FES members are in R9-22-210.01. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. Definition. For the purposes of this Section, contractor has the same meaning as A.R.S. § 36-2901. Contractor does not include ADHS/DBHS, or its subcontractor, or Children's Rehabilitative Services.
3. Verification. A provider of emergency medical services shall verify a person's eligibility status with AHCCCS, and if eligible, determine if the member is enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor.
4. Prior authorization.
   a. Emergency medical services. Prior authorization is not required for emergency medical services for non-FES members.
   b. Non-emergency medical services. If a non-FES member's medical condition does not require emergency medical services, the provider shall follow the prior authorization requirements of the Administration or the contractor, whichever are applicable.
5. Prohibition against denial of payment. The AHCCCS Administration and the AHCCCS contractors shall not limit or deny payment for emergency medical services for the following reasons:
   a. On the basis of lists of diagnoses or symptoms.
   b. Prior authorization was not obtained.
   c. The provider does not have a subcontract.
6. Grounds for denial. The AHCCCS Administration and AHCCCS contractors may deny payment for emergency medical services for reasons including but not limited to:
   a. The claim was not a clean claim.
   b. The claim was not submitted timely.
   c. The provider failed to provide timely notification to the contractor or the Administration, as appropriate.

B. Additional Requirements for Emergency Medical Services for Non-FES Members Enrolled with a Contractor.

1. Responsible entity. AHCCCS contractors are responsible for the provision of all emergency medical services to non-FES members enrolled with an AHCCCS contractor.
2. Prohibition against denial of payment. An AHCCCS contractor shall not limit or deny payment for emergency medical services when an employee of the AHCCCS contractor instructs the member to obtain emergency medical ser-

vices.

3. Notification. An AHCCCS contractor shall not deny payment to a hospital, emergency department provider, or fiscal agent, for an emergency medical service to a non-FES member based on the failure of the hospital, emergency department provider, or fiscal agent to notify the member's AHCCCS contractor within ten days from the day that the member presented for the emergency medical service.
4. Contractor notification. A hospital, emergency department provider, or fiscal agent shall notify the AHCCCS contractor no later than the eleventh day from presentation of the non-FES member for emergency inpatient medical services. A hospital's, emergency department provider's, or fiscal agent's failure to provide timely notice shall be cause for denial of payment for the emergency medical service.
5. Post-stabilization services. After the emergency medical condition of a member enrolled with an AHCCCS contractor is stabilized, a provider shall request prior authorization from the AHCCCS contractor for post-stabilization services.
   a. The AHCCCS contractor is financially responsible for medical post-stabilization services obtained within or outside the network that have been prior authorized by the contractor;
   b. The AHCCCS contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the Administration, but are administered to maintain the member's stabilized condition within 1 hour of a request to the contractor for prior authorization of further post-stabilization services;
   c. The AHCCCS contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain, improve, or resolve the member's stabilized condition if:
      i. The AHCCCS contractor does not respond to a request for prior authorization within 1 hour;
      ii. The AHCCCS contractor authorized to approve the prior authorization cannot be contacted; or
      iii. The AHCCCS contractor representative and the treating physician cannot reach an agreement concerning the member's care and the contractor physician is not available for consultation. The treating physician may continue with care of the patient until the contractor physician is reached; and
         (1) A contractor physician with privileges at the treating hospital assumes responsibility for the member's care;
         (2) A contractor physician assumes responsibility for the member's care through transfer;
         (3) The AHCCCS contractor and the treating physician reach agreement concerning the member's care; or
         (4) The member is discharged.
6. Transfer or discharge. The attending physician or practitioner actually treating the member for the emergency medical condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the AHCCCS contractor.

C. Additional requirements for FFS members.

1. Responsible entity. The Administration is responsible for the provision of all emergency medical services to non-FES FFS members.
2. Grounds for denial. A provider's failure to provide timely notice to AHCCCS shall be cause for denial of payment for emergency medical services.
3. Notification. A provider shall notify AHCCCS no later than 24 hours from the day that a FFS member receiving emergency medical services is admitted to the intensive care unit of a hospital for inpatient services, or no later than 72 hours for all other emergency inpatient admissions. Failure to provide timely notice shall be cause for denial of payment for the emergency medical service.

R9-22-210.01. Emergency Behavioral Health Services for Non-FES Members

A. General Provisions.

1. Applicability. This Section applies to emergency behavioral health services for non-FES members. Provisions regarding emergency medical services for non-FES members are in R9-22-210. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. Definition. For the purposes of this Section, contractor has the same meaning as A.R.S. § 36-2901. Contractor does not include ADHS/DBHS, or its subcontractor, or Children's Rehabilitative Services.
3. Responsible entity for inpatient emergency behavioral health services.
   a. Members enrolled with a contractor.
      i. ADHS/DBHS. ADHS/DBHS or its subcontractor is responsible for the provision of all inpatient emergency behavioral health services to non-FES members with psychiatric or substance abuse diagnoses, who are enrolled with a contractor, from one of the following time periods, whichever comes first:
         (1) The date on which the member becomes a behavioral health recipient; or
         (2) The seventy-third hour from admission for inpatient emergency behavioral health services.
      ii. AHCCCS contractors. AHCCCS contractors are responsible for the provision of inpatient emergency behavioral health services to non-FES members with psychiatric or substance abuse diagnoses, who are enrolled

with a contractor, for the first seventy-two hours from admission, for members who are not behavioral health recipients.

b. FFS members. ADHS/DBHS or its subcontractor is responsible for all inpatient emergency behavioral health services for non-FES FFS members with psychiatric or substance abuse diagnoses.

4. Responsible entity for non-inpatient emergency behavioral health services for non-FES members. ADHS/DBHS or its subcontractor is responsible for the provision of all non-inpatient emergency behavioral health services for non-FES members.
5. Verification. A provider of emergency behavioral health services shall verify a person's eligibility status with AHCCCS, and if eligible, determine if the member is enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor, and determine whether the member is a behavioral health recipient as defined in R9-22-102.
6. Prior authorization.
   a. Emergency behavioral health services. Emergency behavioral health services do not require prior authorization.
   b. Non-emergency behavioral health services. When a non-FES member's behavioral health condition is determined by the provider not to require emergency behavioral health services, the provider shall follow the prior authorization requirements of the AHCCCS contractor and ADHS/DBHS or its subcontractor.
7. Prohibition against denial of payment. AHCCCS contractors and ADHS/DBHS or its subcontractor shall not limit or deny payment to an emergency behavioral health provider for emergency behavioral health services to a non-FES member for the following reasons:
   a. On the basis of lists of diagnoses or symptoms.
   b. Prior authorization was not obtained.
   c. The provider does not have a contract.
   d. An employee of the AHCCCS contractor or ADHS/DBHS or its subcontractor instructs the member to obtain emergency behavioral health services.
   e. The failure of a hospital, emergency department provider, or fiscal agent to notify the member's AHCCCS contractor, or ADHS, or its subcontractor within 10 days from the day the member presented for the emergency service.
8. Grounds for denial. AHCCCS contractors and ADHS/DBHS or its subcontractor may deny payment for emergency behavioral health services for reasons including but not limited to the following:
   a. The claim was not a clean claim.
   b. The claim was not submitted timely.
   c. The provider failed to provide timely notification to the contractor or ADHS/DBHS.
9. Notification. A hospital, emergency department provider, or fiscal agent shall notify ADHS/DBHS or its subcontractor, whichever is appropriate, no later than the eleventh day from presentation of the non-FES member for emergency inpatient behavioral health services.
10. Behavioral health evaluation. An emergency behavioral health evaluation is covered as an emergency behavioral health service for non-FES members under this subsection if:
    a. Required to evaluate or stabilize an acute episode of mental disorder or substance abuse for a person.
    b. Provided by a qualified provider who is:
       i. A behavioral health medical practitioner as defined in R9-22-112, including a licensed psychologist, a licensed independent social worker, a licensed professional counselor, a licensed marriage and family therapist, or
       ii. An ADHS/DBHS-contracted provider.
11. Transfer or discharge. The attending physician or the provider actually treating the non-FES member for the emergency behavioral health condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the AHCCCS contractor and ADHS/DBHS or its subcontractor.
12. Post-stabilization requirements.
    a. The AHCCCS contractor or ADHS/DBHS or its subcontractor, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that have been prior authorized by the AHCCCS contractor.
    b. The AHCCCS contractor or ADHS/DBHS or its subcontractor, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the AHCCCS contractor or ADHS/DBHS or its subcontractor, but are administered to maintain the member's stabilized condition within 1 hour of a request to the contractor for prior authorization of further post-stabilization services;
    c. The AHCCCS contractor or ADHS/DBHS or its subcontractor, as appropriate, is financially responsible for behavioral health post-stabilization services obtained within or outside the network that are not prior authorized by the AHCCCS contractor or ADHS/DBHS or its subcontractor, but are administered to maintain, improve, or resolve the member's stabilized condition if:
       i. The AHCCCS contractor or ADHS/DBHS or its subcontractor, does not respond to a request for prior autho-

rization within 1 hour;

ii. The AHCCCS contractor or ADHS/DBHS or its subcontractor authorized to approve the prior authorization cannot be contacted; or

iii. The AHCCCS contractor or ADHS/DBHS or the subcontractor's representative and the treating physician cannot reach an agreement concerning the member's care and the contractor physician is not available for consultation. The treating physician may continue with care of the patient until the contractor, or ADHS/DBHS, or the subcontractor's physician is reached, and:

(1) A contractor physician with privileges at the treating hospital assumes responsibility for the member's care;

(2) A contractor or ADHS/DBHS or the subcontractor's physician assumes responsibility for the member's care through transfer;

(3) The AHCCCS contractor, ADHS/DBHS or the contractor representative, and the treating physician reach agreement concerning the member's care; or

(4) The member is discharged.

R9-22-217. Services Included in the Federal Emergency Services ~~Programs~~ Program

~~**A.** General. For the purposes of this Section, emergency medical condition means a person in the FESP program is limited to services necessary to treat the sudden onset of a medical condition, including emergency labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:~~

~~1. Placing the patient's health in serious jeopardy,~~

~~2. Serious impairment to bodily functions, or~~

~~3. Serious dysfunction of any bodily organ or part.~~

~~**B.** Services are not covered unless all of the criteria in subsection (A) are met at the time the service is rendered. An emergency medical condition shall be determined on a case-by-case basis.~~

A. General requirement. For the purposes of this Section, an emergency medical and behavioral health condition for a FES member means a medical condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

1. Placing the patient's health in serious jeopardy,
2. Serious impairment to bodily functions,
3. Serious dysfunction of any bodily organ or part; or
4. Serious physical harm to another person.

B. Services. Emergency medical and behavioral health services for a FES member means those medical and behavioral health services provided for the treatment of an emergency medical and behavioral health condition.

C. Covered services. Emergency medical and behavioral health services are covered if all of the required criteria are met at the time the services are rendered. An emergency medical and behavioral health condition shall be determined on a case-by-case basis.

D. Prior authorization. Prior authorization is not required for emergency behavioral and medical services for FES members.

E. Notification. A provider shall notify the Administration no later than 24 hours from the day that an FES member receiving emergency medical and behavioral health services is admitted to the intensive care unit of a hospital for inpatient services, or no later than 72 hours for all other emergency inpatient admissions. Failure to provide timely notice shall be cause for denial of payment for the emergency medical and behavioral health service.

ARTICLE 12. BEHAVIORAL HEALTH SERVICES

R9-22-1205. Scope and Coverage of Behavioral Health Services

A. Inpatient behavioral health services. The following inpatient services shall be covered subject to the limitations and exclusions in this Article.

1. Inpatient behavioral health services provided in a Medicare (Title XVIII) certified hospital include all behavioral health services, medical detoxification, accommodations and staffing, supplies, and equipment. The behavioral health service shall be provided under the direction of a physician in:
   a. A general acute care hospital, or
   b. An inpatient psychiatric hospital.
2. Inpatient service limitations:
   a. Inpatient services, other than emergency services specified in this Section, shall be prior authorized.
   b. Inpatient services and room and board shall be reimbursed on a per diem basis and shall be inclusive of all services, except the following may bill independently for services:

i. A psychiatrist,
ii. A certified psychiatric nurse practitioner,
iii. A physician assistant,
iv. A psychologist,
v. A ~~certified~~ licensed independent social worker,
vi. A ~~certified~~ licensed marriage and family therapist,
vii. A ~~certified~~ licensed professional counselor, ~~or~~
viii. A licensed independent substance abuse counselor, or
~~viii~~ix. A behavioral health medical practitioner.

c. A member age 21 through 64 is eligible for behavioral health services provided in a hospital listed in Section (A)(1)(b) that meets the criteria for an IMD up to 30 days per admission and no more than 60 days per contract year as allowed under the Administration's Section 1115 Waiver with CMS.

B. Level I Residential Treatment Center Services. The following Residential Treatment Center services shall be covered subject to the limitations and exclusions under this Article.

1. Level I Residential Treatment Center services shall be provided under the direction of a physician in a Level I Residential Treatment Center accredited by an AHCCCS approved accrediting body as specified in contract.
2. Residential Treatment Center services include room and board and treatment services for ~~mental~~ behavioral health and substance abuse conditions.
3. Residential Treatment Center service limitations:
   a. Services shall be prior authorized, except for emergency services as specified in this Section.
   b. Services shall be reimbursed on a per diem basis and shall be inclusive of all services, except the following may bill independently for services:
      i. A psychiatrist,
      ii. A certified psychiatric nurse practitioner,
      iii. A physician assistant,
      iv. A psychologist,
      v. A ~~certified~~ licensed independent social worker,
      vi. A ~~certified~~ licensed marriage and family therapist,
      vii. A ~~certified~~ licensed professional counselor, ~~or~~
      viii. A licensed independent substance abuse counselor, or
      ~~viii.~~ix. A behavioral health medical practitioner.
4. The following services may be billed independently if prescribed by a provider as specified in this Section who is operating within the scope of practice:
   a. Laboratory,
   b. Radiology, and
   c. Psychotropic medication.

C. Level I Sub-acute Facility Services. The following sub-acute facility services shall be covered subject to the limitations and exclusions under this Article.

1. Level I sub-acute facility services shall be provided under the direction of a physician in a Level I sub-acute facility accredited by an AHCCCS approved accrediting body as specified in contract.
2. Level I sub-acute services include room and board and treatment services for ~~mental~~ behavioral health and substance abuse conditions.
3. Services shall be reimbursed on a per diem basis and shall be inclusive of all services, except the following may bill independently for services:
   a. A psychiatrist,
   b. A certified psychiatric nurse practitioner,
   c. A physician assistant,
   d. A psychologist,
   e. A ~~certified~~ licensed independent social worker,
   f. A ~~certified~~ licensed marriage and family therapist,
   g. A ~~certified~~ licensed professional counselor, ~~or~~
   h. A licensed independent substance abuse counselor, or
   ~~h.~~i. A behavioral health medical practitioner.
4. The following services may be billed independently if prescribed by a provider as specified in this Section who is operating within the scope of practice:
   a. Laboratory,
   b. Radiology, and
   c. Psychotropic medication.
5. A member age 21 through 64 is eligible for behavioral health services provided in a ~~subacute~~ sub-acute facility that

meets the criteria for an IMD for up to 30 days per admission and no more than 60 days per contract year as allowed under the ~~Administrations's~~ Administration's Section 1115 Waiver with CMS.

D. ADHS licensed Level II Behavioral Health Residential Services. The following Level II Behavioral Health Residential services shall be covered subject to the limitations and exclusions in this Article.
1. Level II Behavioral Health services shall be provided by a licensed Level II agency.
2. Services shall be inclusive of all covered services except room and board.
3. The following may bill independently for services:
   a. A psychiatrist,
   b. A certified psychiatric nurse practitioner,
   c. A physician assistant,
   d. A psychologist,
   e. A ~~certified~~ licensed independent social worker,
   f. A ~~certified~~ licensed marriage and family therapist,
   g. A ~~certified~~ licensed professional counselor, ~~or~~
   h. A licensed independent substance abuse counselor, or
   ~~h.~~i. A behavioral health medical practitioner.

E. ADHS licensed Level III Behavioral Health Residential Services. The following Level III Behavioral Health Residential services shall be covered subject to the limitations and exclusions under this Article.
1. Level III Behavioral Health services shall be provided by a licensed Level III agency.
2. Services shall be inclusive of all covered services except room and board.
3. The following may bill independently for services:
   a. A psychiatrist,
   b. A certified psychiatric nurse practitioner,
   c. A physician assistant,
   d. A psychologist,
   e. A ~~certified~~ licensed independent social worker,
   f. A ~~certified~~ licensed marriage and family therapist,
   g. A ~~certified~~ licensed professional counselor, ~~or~~
   h. A licensed independent substance abuse counselor, or
   ~~h.~~i. A behavioral health medical practitioner.

F. Partial care. The following partial care services shall be covered subject to the limitations and exclusions in this Article.
1. Partial care shall be provided by an agency qualified to provide a regularly scheduled day program of individual member, group or family activities that are designed to improve the ability of the member to function in the community. Partial care services include basic, therapeutic, and medical day programs.
2. Partial care service exclusions. School attendance and educational hours shall not be included as a partial care service and shall not be billed concurrently with these services.

G. Outpatient services. The following outpatient services shall be covered subject to the limitations and exclusions in this Article.
1. Outpatient services shall include the following:
   a. Screening provided by a behavioral health professional or a behavioral health technician;
   b. ~~Initial behavioral~~ A behavioral health evaluation provided by a qualified behavioral health professional~~;~~ or a qualified behavioral health technician;
   ~~c. Ongoing behavioral health evaluation by a behavioral health professional or a behavioral health technician;~~
   ~~d~~c. Counseling including individual therapy, group, and family therapy provided by a qualified behavioral health professional or a behavioral health technician;
   ~~e.~~d. Behavior management services provided by qualified individuals or agencies as specified in contract; and
   ~~f~~e. Psychosocial rehabilitation services provided by qualified individuals or agencies as specified in contract.
2. Outpatient service limitations:
   a. The following practitioners may bill independently:
      i. A psychiatrist,
      ii. A certified psychiatric nurse practitioner,
      iii. A physician assistant as defined in this Article,
      iv. A psychologist,
      v. A ~~certified~~ licensed independent social worker,
      vi. A ~~certified~~ licensed professional counselor,
      vii. A ~~certified~~ licensed marriage and family therapist,
      viii. A licensed independent substance abuse counselor,
      ~~viii~~ix. A behavioral health medical practitioner,
      ~~ix~~x. A therapeutic foster parent, and

~~x.~~xi.Other AHCCCS registered providers as specified in contract.

b. Other behavioral health professionals and qualified persons not specified in subsection (G)(2)(a) shall be employed by, or contracted with, an AHCCCS-registered behavioral health agency.

H. ~~Behavioral health emergency services.~~ Emergency behavioral health services. The following emergency behavioral health services are covered subject to the limitations and exclusions under this Article.

1. ~~A RBHA~~ ADHS shall ensure that ~~behavioral health emergency services~~ emergency behavioral health services are provided by the qualified personnel under R9-22-1206. ~~The emergency services~~ Emergency behavioral health services shall be available 24 hours-per-day, seven days-per-week in ~~the RBHA's~~ each geographic service area ~~in~~ for an emergency ~~situations when~~ situation in which a member is a danger to self or others or is otherwise determined in need of immediate unscheduled behavioral health services. ~~Behavioral health emergency services may be provided on either an inpatient or outpatient basis.~~
2. ~~A contractor shall provide behavioral health emergency services under R9-22-210(D) on an inpatient basis not to exceed three days per emergency episode and 12 days per contract year, for a member not yet enrolled with a RBHA.~~
3. ~~An inpatient emergency service provider shall verify the eligibility and enrollment of a member through the Administration to determine the need for notification to a contractor or a RBHA and to determine the party responsible for payment of services under Article 7.~~
4. ~~Behavioral health emergency service limitations:~~
   a. ~~An emergency behavioral health service does not require prior authorization. The provider shall, however, comply with the notification requirements under R9-22-210.~~
   b. ~~A behavioral health service for an unrelated condition, that requires evaluation, diagnosis, and treatment shall be prior authorized by a RBHA.~~
2. Emergency behavioral health services. Emergency behavioral health services for non-FES members shall be provided under Article 2.

I. Other behavioral health services. Other behavioral health services include:

1. Case management as defined in R9-22-1201;
2. Laboratory and radiology services for behavioral health diagnosis and medication management;
3. Psychotropic medication and related medication;
4. Medication monitoring, administration, and adjustment for psychotropic medication and related medications;
5. Respite care;
6. Therapeutic foster care services provided in a family foster home defined in 6 A.A.C. 5, Article 58 or adult therapeutic foster home defined in 9 A.A.C. 20 Articles 1 and 15;
7. Personal assistance; and
8. Other support services to maintain or increase the member's self-sufficiency and ability to live outside an institution.

J. Transportation services.

1. Emergency transportation shall be covered for a behavioral health emergency under R9-22-211. Emergency transportation is limited to behavioral health emergencies.
2. Non-emergency transportation shall be covered to and from covered behavioral health service providers.

R9-22-1208. ~~Grievance and Request for Hearing Process~~ Repealed

~~A.~~ ~~Processing a grievance. A grievance for an adverse action for a behavioral health service shall be processed as specified in 9 A.A.C. 22, Articles 8 and 13 and under A.R.S. §§ 36-2903.01, 36-3413, and 41-1092 et seq. The grievance and request for hearing process is illustrated in 9 A.A.C. 22, Article 8, Exhibit A.~~

~~B.~~ ~~Member request for hearing. A member's request for hearing for a grievance under this Article shall be conducted as specified in 9 A.A.C. 22, Article 8~~.

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

[R05-149]

PREAMBLE

1. Sections Affected — **Rulemaking Action**

R12-1-102	Amend
R12-1-301	Amend
R12-1-304	Amend
R12-1-305	Amend
R12-1-306	Amend
R12-1-308	Amend
R12-1-309	Amend
R12-1-310	Amend
R12-1-311	Amend
R12-1-312	Amend
R12-1-313	Amend
R12-1-315	Amend
R12-1-318	Amend
R12-1-319	Amend
R12-1-320	Amend
R12-1-321	Repeal
R12-1-323	Amend
R12-1-325	New Section
R12-1-405	Amend
R12-1-408	Amend
R12-1-412	Amend
R12-1-413	Amend
R12-1-415	Amend
R12-1-418	Amend
R12-1-419	Amend
R12-1-430	Amend
R12-1-433	Amend
R12-1-441	Amend
R12-1-445	Amend
R12-1-453	New Section
R12-1-501	Amend
R12-1-1003	Amend
R12-1-1302	Amend
R12-1-1306	Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 30-654(B)

Implementing statutes: A.R.S. §§ 30-657, 30-671(B), 30-672, and 30-673

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 106, January 3, 2005

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Daniel H. Kuhl

Address: Arizona Radiation Regulatory Agency
4814 S. 40th St.
Phoenix, AZ 85040

Telephone: (602) 255-4845, ext. 233

Fax: (602) 437-0705

E-mail: dkuhl@arra.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

R12-1-102 contains general definitions that will assist the reader in understanding the requirements for use of ionizing radiation sources regulated in Chapter 1. Four new terms are added to R12-1-102 to assist the regulated community understand the new Nuclear Regulatory Commission (NRC) regulatory standards that are being added to Articles 3 and 4 of Chapter 1.

Article 3 contains radioactive material licensing standards. A number of changes are made to Article 3 as a result of a five-year review that was accepted by G.R.R.C. on October 7, 2003. Also, changes are made to keep Arizona's rules compatible with NRC regulations. The agency is required to maintain compatible rules as part of the agreement Arizona has with the NRC.

Worthy changes include annual registration of the generally licensed gauging devices that the NRC believes to be hazardous to the public if not accounted for on a regular basis. In association with the registration, a fee will be assessed. As part of this amendment, manufacturers of these gauging devices will be required to assist the Agency in holding gauging device users accountable for safe gauge operation and maintenance. Other changes to Article 3 include: language changes to the requirements affecting manufacture and distribution of radiopharmaceuticals and sealed sources used in the practice of medicine which are regulated in Article 7; Agency notification of bankruptcy proceedings by radioactive material licensees going out of business; determination of regulatory jurisdiction at temporary job sites at federal facilities before initiating any work with radioactive material; and the requirement to follow timely procedures when decommissioning a radioactive material use site.

Article 4 establishes radiation safety standards that must be met by users of ionizing radiation users. Numerous clarifications are made in Article 4 to meet the regulatory standards placed on the Agency by the NRC. Included are: changes to R12-1-415 that will allow an additional 50 mRem exposure to a declared pregnant worker and the removal of the authority of a pregnant woman to undeclare herself pregnant; a change in R12-1-439 that permits a teletherapy licensee to be exempted from the posting requirements in R12-1-429, if the newly listed conditional controls are met; and a new rule, R12-1-453, is added that requires a licensee or registrant to report personnel exposures, that have been reported to the Agency, to the persons that were exposed to radiation in the report.

The newly formatted Article 5 now only regulates industrial radiography performed using radioactive material. Three new definitions are added to Article 5 that will aid in understanding the new regulatory standards that were added to Article 5 when it was recently amended to remove x-ray radiography which was moved to Article 11. The rulemaking activities involving Article 5 are being conducted because the NRC requires the Agency meet federal radiography standards.

Instruction to workers in Article 10 is amended to comply with the worker training standards of the NRC. There are no significant changes associated with this amendment.

Article 13 provides license and registration categories and associated fees. In R12-1-1306, License Category D4 is amended to list a registration category for generally licensed gauging devices that will be regulated by the Agency with the amendment to Article 3 that was previously described above. The $100 registration fee is not new, in that it was applied to a category of depleted uranium (DU) licensees, currently listed under D4, that will now be combined with another category of DU users in Category D5. Currently, there are no DU users licensed under the Category D4.

The different categories are described in R12-1-1302. The description for Categories D4 and D5 are being amended to reflect the changes to the category system described above.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The most significant change in this rulemaking package that may result in an economic impact is the registration of generally licensed gauging devices. These devices have not been regulated by the Agency in the past. A review of the available manufacturing and shipping records has disclosed 24 gauging device users that will be required to register and pay the proposed $100 annual registration fee. The Agency has contacted the device manufacturers to determine who has received any of the affected gauging devices. This ongoing communication has resulted in the larger number of affected gauge users that was listed in the Notice of Rulemaking Docket Opening. There is concern that some of these devices have been lost, misplaced, or improperly disposed of. All of which could result in significant potential costs to the Agency and the citizens of Arizona. These costs could far exceed the registration cost proposed for registration of one of these devices. Also, all future Arizona users will be required to pay the annual fee. The total number of affected gauging device users is unknown at this time, however, it is believed that the number of users in Arizona at this time is less than 50.

The agency believes the gauging device users will not have any other costs associated with the registration process proposed by the Agency. The user is already responsible for doing inventories and leak tests of the gauge's radiation source through the manufacturer's general license conditions of use. They will also be responsible for proper disposal at the end-of-use. This can be somewhat costly if the manufacturer of the gauging device is no longer in business and able to take the device for disposal.

Accountability is the ultimate goal. With the current general licensing process through the manufacturer, the user is required to ensure every gauging device is present at its place of use and is not leaking radioactive material to the environment. Also, when a gauging device is no longer useful, the user must disposed of the gauging device by a means that is acceptable to the Agency; future disposal methods will be no different than what is accepted under the current general license, and should result in no additional disposal costs if registered by the Agency.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name:	Daniel H. Kuhl, State Health Physicist II
Address:	Arizona Radiation Regulatory Agency 4814 S. 40th St. Phoenix, AZ 85040
Telephone:	(602) 255-4845, ext. 233
Fax:	(602) 437-0705
E-mail:	dkuhl@arra.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding at the Agency is scheduled for Tuesday June 14, 2005, at 10:00 A.M. A person may submit written comments concerning the proposed rules by submitting them no later than 5 P.M., on June 14, 2005, to the following person:

Name:	Aubrey V. Godwin, Director
Location:	Arizona Radiation Regulatory Agency
Address:	4814 S. 40th St. Phoenix, AZ 85040
Telephone:	(602) 255-4845
Fax:	(602) 437-0705

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Rule	Incorporation
R12-1-306(B)(1)	10 CFR 31.6(b) and (c)
R12-1-306(B)(3)(a)	10 CFR 110
R12-1-306(E)(3)	10 CFR 32
R12-1-311(C)	10 CFR 32.26
R12-1-311(C)(2)	10 CFR 32.29
R12-1-311(D)(1)(f)	10 CFR 31.5(c)(13)(i)
R12-1-311(D)(4)(b)	10 CFR 31.2 and 30.51
R12-1-311(D)(5)(a)	10 CFR 31.5, 31.2, 30.51, 20.2201 and 20.2202
R12-1-311(E)(2)	10 CFR 32.53 through 32.56, and 32.101
R12-1-311 (F)(2)	10 CFR 32.57, 32.58, 32.102, and 70.39
R12-1-311(I)(2)	10 CFR 32.61, 32.62, and 32.101
R12-1-311(J)	10 CFR 32.72
R12-1-323(E)(1)	10 CFR 30.36(g)(1)
R12-1-323(E)(5)	10 CFR 30.36(i)
R12-1-323(E)(6)	10 CFR 30.36(i)
R12-1-418(B)(1)	NAVLAP Handbook 150-4
R121-1-433(A)	10 CFR 71.4
R12-1-433(B)	49 CFR 172.403, and 436 through 440

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

ARTICLE 1. GENERAL PROVISIONS

Section
R12-1-102. Definitions

ARTICLE 3. RADIOACTIVE MATERIAL LICENSING

Section
R12-1-301. Ownership, Control, or Transfer of Radioactive Material
R12-1-304. License Types
R12-1-305. General License - Source Material
R12-1-306. General License -- Radioactive Material Other Than Source Material
R12-1-308. Filing Application for Specific Licenses
R12-1-309. General Requirements for the Issuance of Specific Licenses
R12-1-310. Special Requirements for Issuance of Specific Broad Scope Licenses
R12-1-311. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices That Contain Radioactive Material
R12-1-312. Issuance of Specific Licenses
R12-1-313. Specific Terms and Conditions ~~of Licenses~~
R12-1-315. Renewal of License
R12-1-318. Transfer of Radioactive Material
R12-1-319. Modification, Revocation, or Termination of a License
R12-1-320. Reciprocal Recognition of Licenses
R12-1-321. ~~Preparation of Radioactive Material for Transport~~ Repealed
R12-1-323. Financial Assurance and Record keeping for Decommissioning
R12-1-325. ~~Repealed~~ Timeliness in Decommissioning Facilities

ARTICLE 4. STANDARDS FOR PROTECTION AGAINST IONIZING RADIATION

Section
R12-1-405. Form of Records
R12-1-408. Occupational Dose Amounts for Adults
R12-1-412. Determination of Prior Occupational Dose
R12-1-413. Planned Special Exposures
R12-1-415. Dose ~~Limits for~~ Equivalent to an Embryo or Fetus
R12-1-418. Surveys and Monitoring
R12-1-419. Conditions Requiring Individual Monitoring of External and Internal Occupational Dose
R12-1-430. Posting Exceptions
R12-1-433. Procedures for Receiving and Opening Packages
R12-1-441. Records of Waste Disposal
R12-1-445. Notification of Incidents
R12-1-453. Reports to Individuals of Exceeding Dose Limits

ARTICLE 5. INDUSTRIAL RADIOGRAPHIC OPERATIONS

Section
R12-1-501. Definitions

ARTICLE 10. NOTICES, INSTRUCTIONS, AND REPORTS TO IONIZING RADIATION WORKERS; INSPECTIONS

Section
R12-1-1003. Instruction to Workers

ARTICLE 13. LICENSE AND REGISTRATION FEES

Section
R12-1-1302. License and Registration Categories
R12-1-1306. Table of Fees

ARTICLE 1. GENERAL PROVISIONS

R12-1-102. Definitions

Terms defined in A.R.S. § 30-651 have the same meanings when used in this Chapter. The following terms have the definitions below. Additional subject specific definitions are used in other Articles.

"A_1"	No change
"A_2"	No change
"Absorbed dose"	No change
"Accelerator"	No change
"Accelerator produced material"	No change
"Act"	No change
"Activity"	No change
"Adult"	No change
"Agency", or "ARRA"	No change
"Agreement State"	No change
"Airborne radioactive material"	No change
"Airborne radioactivity area"	No change
"ALARA"	No change
"Analytical x-ray equipment"	No change
"Analytical x-ray system"	No change
"Annual"	No change
"Background radiation"	No change
"Becquerel"	No change
"Bioassay"	No change
"Brachytherapy"	No change
"By-product material"	No change
"Calendar quarter"	No change
"Calibration"	No change
"Certifiable cabinet x-ray system"	No change
"CFR"	No change
"Chelating agent"	No change
"Civil penalty"	No change
"Collective dose"	No change
"Committed dose equivalent"	No change
"Committed effective dose equivalent"	No change
"Curie"	No change
"Current license or registration"	No change
"Deep-dose equivalent"	No change
"Depleted uranium"	No change
"Dose"	No change
"Dose equivalent (H_T)"	No change
"Dose limits"	No change
"Dosimeter"	No change
"Effective dose equivalent (H_E)"	No change
"Effluent release"	No change
"Embryo/fetus"	No change

"Enclosed beam x-ray system"	No change
"Enclosed radiography"	No change
"Cabinet radiography"	No change
"Shielded room radiography"	No change
"Entrance or access point"	No change
"Exhibit"	No change
"Explosive material"	No change
"Exposure"	No change
"Exposure rate"	No change
"External dose"	No change
"Extremity"	No change
"Fail-safe characteristics"	No change
"Field radiography"	No change
"Field station"	No change
"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities"	No change
"Generally applicable environmental radiation standards"	No change
"Gray"	No change
"Hazardous waste"	No change
"Healing arts"	No change
"Health care institution"	No change
"High radiation area"	No change
"Human use"	No change
"Impound"	No change
"Individual"	No change
"Individual monitoring"	No change
"Individual monitoring device" or "individual monitoring equipment"	No change
"Industrial radiography"	No change
"Injection tool"	No change
"Inspection"	No change
"Interlock"	No change
"Internal dose"	No change
"Irradiate"	No change
"Laser"	No change
"Lens dose equivalent"	No change
"License"	No change
"Licensed material"	No change
"Licensed practitioner"	No change
"Licensee"	No change
"Licensing State"	No change
"Limits"	No change
"Local components"	No change
"Logging supervisor"	No change
"Logging tool"	No change
"Lost or missing licensed or registered source of radiation"	No change
"Low-level waste"	No change
"Major processor"	No change
"Medical dose"	No change
"Member of the public"	No change
"MeV"	No change
"Mineral logging"	No change
"Minor"	No change
"Monitoring"	No change
"Multiplier"	No change
"NARM"	No change
"Normal operating procedures"	No change

"Natural radioactivity"	No change
"NRC"	No change
"Nuclear waste"	No change
"Occupational dose"	No change
"Open beam system"	No change
"Package"	No change
"Particle accelerator"	No change
"Permanent radiographic installation"	No change
"Personnel dosimeter"	No change
"Personnel monitoring equipment"	No change
"Personal supervision"	No change
"Pharmacist"	No change
"Physician"	No change
"Primary beam"	No change
"Public dose"	No change
"Pyrophoric liquid"	No change
"Pyrophoric solid"	No change
Qualified expert"	No change
"Quality Factor"	No change
"Quarter"	No change
"Rad"	No change
"Radiation"	No change
"Radiation area"	No change
"Radiation dose"	No change
"Radiation machine"	No change
"Radiation safety officer"	No change
"Radioactive marker"	No change
"Radioactive material"	No change
"Radioactivity"	No change
"Radiographer"	No change
"Radiographer's assistant"	No change
"Registrant"	No change
"Registration"	No change
"Regulations of the U.S. Department of Transportation"	No change
"Rem"	No change
"Research and Development"	No change
"Restricted area"	No change
"Roentgen"	No change
"Safety system"	No change
"Sealed source"	No change

"Sealed Source and Device Registry" means the national registry that contains all the registration certificates, generated by both NRC and the Agreement States, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"~~Shallow dose equivalent" (H_s),~~ Shallow-dose equivalent (H_s)" ~~which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2) averaged over an area of 1 square centimeter~~. which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm2).

"Shielded position"	No change
"Sievert"	No change
"Site boundary"	No change
"Source changer"	No change
"Source holder"	No change
"Source material"	No change
"Source material milling"	No change
"Source of radiation" or "source"	No change
"Special form radioactive material"	No change
"Special nuclear material in quantities not sufficient to form a critical mass"	No change
"Storage area"	No change

"Storage container"	No change
"Subsurface tracer study"	No change
"Survey"	No change
"TEDE"	No change
"Teletherapy"	No change
"Temporary job site"	No change
"Test"	No change
"These rules"	No change
"Total Effective Dose Equivalent" (TEDE)	No change
"Total Organ Dose Equivalent" (TODE)	No change
"Unrefined and unprocessed ore"	No change
"Unrestricted area"	No change
"U.S. Department of Energy"	No change

"Very high radiation area" means an area, accessible to individuals in which radiation levels from radiation sources external to the body could result in an individual receiving absorbed dose in excess of 5 grays (500 rads) in one hour at one meter from a radiation source or one meter from any surface that the radiation penetrates.

"Waste"	No change
"Waste handling licensees"	No change
"Week"	No change
"Well-bore"	No change
"Well-logging"	No change
"Whole body"	No change
"Wireline"	No change
"Wireline service operation"	No change
"Worker"	No change
"WL"	No change
"WLM"	No change
"Workload"	No change
"Year"	No change

ARTICLE 3. RADIOACTIVE MATERIAL LICENSING

R12-1-301. Ownership, Control, or Transfer of Radioactive Material

A. In addition to the requirements of this Article, all licensees are subject to the requirements of 12 A.A.C. 1, Article 1, Article 4 and Article 10. Licensees engaged in industrial radiographic operations are subject to the requirements of 12 A.A.C. 1, Article 5; licensees using radioactive material in the ~~healing arts~~ practice of medicine are subject to the requirements of 12 A.A.C. 1, Article 7; licensees transporting radioactive material are subject to the requirements contained in 12 A.A.C. 1, Article 15; and licensees using radioactive material in well logging operations are subject to the requirements in 12 A.A.C. 1, Article 17.

B. Notwithstanding any other provisions of this Article, any person may own radioactive material, provided that the ownership does not include the actual possession, custody, use or physical transfer of radioactive material or the manufacture or production of any article containing radioactive material without the applicable certification, license or registration.

C. A manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or ~~byproduct~~ radioactive material whose subsequent possession, use, transfer, or disposal by all other persons is exempt from regulatory requirements may only obtain authority to transfer possession or control of the material from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

R12-1-304. License Types

Licenses for radioactive materials are of two types: general and specific.

1. ~~For a general license, no application, is required and no licensing document is issued. The Agency may require that a person file a certificate for a particular general license. The licensee is subject to all other applicable portions of this Chapter and any limitations of the general license.~~ A general license is provided by rule, grants authority to a person for certain activities involving radioactive material, and is effective without the filing of an application with the Agency or the issuance if a licensing document to a particular person. However, registration with the Agency may be required by the particular general license.
2. ~~For a specific license, a person submits an application to the Agency. The Agency issues a license if the person satisfies all of the requirements for a license. The licensee is subject to all applicable portions of this Chapter and any limitations contained in the licensing document.~~ The Agency issues a specific license to a named person who has filed an application for a license under the applicable provision of this Chapter. A specific licensee is subject to all of the applicable rules in Chapter 1 and the limitation contained in the license document.

R12-1-305. General License - Source Material

A. ~~This subsection establishes a general license authorizing use and transfer of not more than 6.8 kg (15 pounds) of source material at any one time, for research, development, educational, commercial, or operational purposes, by persons in the following categories: commercial and industrial firms, research, educational and medical institutions, and State and local government agencies; provided that the person proceeding under this general license, receives no more than 68.2 kg (150 pounds) of source material in any 1 one calendar year~~ This subsection grants a source material general license to a person for commercial and industrial activities, research, educational and medical institutions, and state and local government agencies authorizing use, and transfer of not more than 6.8 kg (15 pounds) of source material at one time, and provided the person does not receive more than 68.2 kg (150 pounds) of source material in one calendar year.

B. No change

C. ~~Depleted uranium in industrial products and devices~~. A general license for depleted uranium in industrial products and devices is granted provided:

1. ~~This subsection establishes a general license to receive, acquire, possess, use or transfer~~ The depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device~~.~~;
2. ~~The general license in subsection (C)(1) applies only to~~ The industrial products or devices ~~which have been~~ have been manufactured under a specific license governed by R12-1-311(M), or a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State~~.~~;
3. ~~Depleted uranium~~ The person receiving the depleted uranium files an ARRA 23 "Registration Certificate -- Use of Depleted Uranium Under General License", with the Agency. The information requested on the certificate is listed in Exhibit E and shall be submitted within 30 days after the first receipt or acquisition of the depleted uranium, and after the registration certificate is returned to the Agency, and reports in writing to the Agency any changes in information originally furnished on ARRA 23. The report shall be submitted within 30 days after the effective date of the described change.
   a. ~~Persons who receive, acquire, possess, or use depleted uranium under the general license established by subsection (C)(1) shall file ARRA 23 "Registration Certificate -- Use of Depleted Uranium Under General License", with the Agency. The form, requesting the information in Exhibit E, shall be submitted within 30 days after the first receipt or acquisition of the depleted uranium. The general licensee shall furnish on ARRA 23 the following information.~~
      i. ~~Name, telephone number, and address of the general licensee;~~
      ii. ~~Location of use;~~
      iii. ~~A statement that the general licensee has developed and will maintain procedures designed to establish physical control over the depleted uranium described in subsection (C)(1) and to prevent transfer of the depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and~~
      iv. ~~Name or title (or both), address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in subsection (C)(3)(a)(ii).~~
   b. ~~The general licensee possessing or using depleted uranium under the general license, established by subsection (C)(1) shall report in writing to the Agency any changes in information originally furnished on ARRA 23. The report shall be submitted within 30 days after the effective date of the described change.~~

~~4.~~ **D.** A person who receives, acquires, possesses, or uses depleted uranium under the general license ~~established by subsection (C)(1)~~ granted under this rule shall:

   ~~a.~~1. ~~Shall not~~ Not introduce depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;
   ~~b.~~2. ~~Shall not~~ Not abandon the depleted uranium;
   ~~c.~~3. ~~Shall transfer~~ Transfer the depleted uranium as prescribed in R12-1-318. If the transferee receives the depleted uranium under the general license established by subsection (C)~~(1)~~, the transferor shall furnish the transferee with a copy of this rule and a copy of the registration certificate. If the transferee receives the depleted uranium under a general license governed by a regulation of the U.S. Nuclear Regulatory Commission or Agreement State that is equivalent to subsection (C)~~(1)~~, the transferor shall furnish the transferee a copy of this rule and a copy of the registration certificate, accompanied by a letter explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially similar to those in this rule;
   ~~d.~~4. Within 30 days of any transfer, ~~shall~~ report in writing to the Agency the name and address of the person receiving the depleted uranium; and
   ~~e.~~5. ~~Shall not~~ Not export ~~the~~ depleted uranium except under a license issued by the U.S. Nuclear Regulatory Commission in 10 CFR 110.

~~5.~~ **E.** Any person receiving, acquiring, possessing, using, or transferring depleted uranium according to the general license established by subsection (C)~~(1)~~ is exempt from the requirements of 12 A.A.C. 1, Articles 4 and 10 with respect to the depleted uranium covered by that general license.

R12-1-306. General License -- Radioactive Material Other Than Source Material

A. ~~This subsection establishes~~ In accordance with this subsection a general license is granted to a person ~~a general license~~ to transfer, receive, acquire, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer according to a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission under 10 CFR 31.3. This general license is subject to the provisions of 12 A.A.C. 1, Articles 1, 4, 10 and 12; Sections R12-1-303(A)(2), R12-1-313, R12-1-318, R12-1-319, ~~and R12-1-321;~~ and A.R.S. §§ 30-654(B)(13), 30-657(A) and (B), 30-681, and 30-685 through 30-689. The devices regulated by this rule include:

1. ~~Static elimination device.~~ Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microcuries) of polonium-210 per device.
2. ~~Ion generating tube.~~ Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microcuries) of polonium-210 per device or a total of not more than 1.85 GBq (50 millicuries) of hydrogen-3 (tritium) per device.

B. Certain measuring, gauging or controlling devices

1. ~~This subsection establishes~~ In accordance with this subsection a general license is granted to a person ~~a general license~~ for commercial and industrial firms; research, educational and medical institutions; individuals for conducting business; and State or local government agencies to receive, acquire, possess, use or transfer radioactive material according to the provisions of ~~subsections (B)(2), (3), and (4), excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.~~ 10 CFR 31.5(b) and (c), January 1, 2005, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and on file with the Agency. This incorporation by reference contains no future editions or amendments.

~~2. The general license in subsection (B)(1) applies only to radioactive material contained in devices which have been manufactured and labeled according to specifications contained in a specific license issued by the Agency under R12-1-311(D) or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State which authorizes distribution of devices to persons generally licensed by the NRC or an Agreement State. Regulations promulgated under the Federal Food, Drug, and Cosmetic Act, authorizing the use of radioactive control devices in food production, require certain additional labeling prescribed in 21 CFR 179.21.~~

~~3. Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device according to the general license in subsection (B)(1):~~

~~a. Shall assure that all labels are affixed to the device at the time of receipt, each bearing a statement that removal of the label is prohibited, maintain the labels on the device and comply with all instructions and precautions provided on the labels;~~

~~b. Shall assure that the device is tested for leakage of radioactive material and proper operation of the actuation mechanism and indicator, if any, at no longer than six-month intervals or the intervals specified on the label; however;~~

~~i. Devices containing only krypton need not be tested for leakage of radioactive material;~~

~~ii. Devices containing only tritium or not more than 3.7 MBq (100 microcuries) of other beta or gamma emitting material or 370 kBq (10 microcuries) of alpha emitting material; and~~

~~iii. Devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;~~

~~c. Shall assure that the tests required by subsection (B)(3)(b) and other testing, installation, servicing, and removal from installation involving shielding, containment, or radioactive material, are performed:~~

~~i. According to the instructions on any label, or~~

~~ii. By a person holding a specific license from the Agency, the NRC, or an Agreement State or Licensing State to perform the specified activities;~~

~~d. Shall maintain records showing compliance with the requirements of subsections (B)(3)(b) and (c). The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal or other work concerning shielding, containment, or radioactive material. Records of tests for leakage of radioactive material required by subsection(B)(3)(b) shall be maintained for one year after the next required leak test is performed or until the sealed source is disposed of or transferred. Records of tests of the actuator mechanism and indicator required by subsection (B)(3)(b) shall be maintained for one year after the next required test of the actuator mechanism and indicator is performed or until the sealed source is disposed of or transferred. Records which are required by subsection (B)(3)(c) shall be maintained for two years from the date of the recorded event or until the device is disposed of or transferred;~~

~~e. Upon failure or damage, or any indication of possible failure or damage of shielding or the actuation mechanism or indicator, or upon the detection of 185 Bq (5 nanocurie) or more removable radioactive material, shall imme-~~

~~diately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the Agency, the NRC or an Agreement State or Licensing State to repair the device, or disposed of by transfer to a person authorized by a specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Agency a report containing a brief description of the event and the remedial action taken;~~

~~f. Shall not abandon the device containing radioactive material;~~

~~g. Except as provided in subsection (B)(3)(h), shall transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Agency, the NRC, or an Agreement State or Licensing State whose specific license authorizes the receipt of the device and, within 30 days after transfer, furnish a report to the Agency identifying the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;~~

~~h. Shall transfer the device to another general licensee only:~~

~~i. If the device remains in use at a particular location. The transferor shall give the transferee a copy of this rule and any safety documents identified on the label of the device and within 30 days after the transfer, report to the Agency the manufacturer's name, the model number of the device transferred, the name and address of the transferee, and the name or position or both of a contact person for the Agency; or~~

~~ii. Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee;~~

~~i. Shall comply with the provisions of R12-1-443 and R12-1-444 for reporting radiation incidents, theft, or loss of licensed material, but is exempt from the other requirements of 12 A.A.C. 1, Articles 4 and 10.~~

2. A general license in subsection (1). applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the requirements contained in:
   a. A specific license issued under R12-1-311(D); or
   b. An equivalent specific license issued by the NRC or another Agreement State.
   c. A general licensee shall receive a device from one of the specific licensees described in this Section or through a transfer made under subsection (3)(i).
3. Any person who acquires, receives, possesses, uses or transfers radioactive material in a device licensed under subsection (1), shall:
   a. Ensure that all labels and safety statements affixed to a device at the time of receipt are not removed and maintained, and that all instructions and precautions provided by the labels are complied with.
   b. Ensure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at other intervals as are specified in the label.
      i. A general licensee need not test a device for leakage of radioactive material that contains only krypton for, and
      ii. A general licensee need not test a device for leakage of radioactive material that contains only tritium, not more than 3.7 Mbq (100 microcuries) of other beta or gamma emitting material, 370 kBq (10 microcuries) of alpha emitting material, or a device held in storage in the original shipping container before initial installation.
   c. Ensure that the tests required by subsection (b) and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:
      i. In accordance with the device label instructions; or
      ii. By a person holding a specific license under R12-1-311(D) or in accordance with the specifications contained in a specific license issued by the NRC or an Agreement State which authorizes distribution of devices to persons generally licensed by the NRC or an Agreement State.
   d. Maintain records of the requirements in subsection (b) and (c), that show the results of tests; the dates the required activities were performed, and the names of persons performing, testing, installing, servicing, and removing radioactive material from the installation and its shielding or containment. The records shall be maintained for three years from the date of the recorded event or until the device is transferred or disposed of.
   e. Immediately suspend operation of a device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Becquerel (0.005 microcurie) or more removable radioactive material.
      i. A general licensee may not operate a device until it has been repaired by the manufacturer or other person holding a specific license to repair such devices that was issued by the Agency under R12-1-311(D), the NRC, or an Agreement State which authorizes distribution of devices to persons generally licensed by the NRC or an Agreement State.
      ii. A general licensee may only dispose of a device and any radioactive material from the device by transfer to a person authorized by a specific license to receive the radioactive material in the device or as otherwise approved by the Agency.

iii. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 185 Becquerel (0.005 microcurie) or more removable radioactive material or failure of or damage to a source likely to result in contamination of the general licensee's facility and surrounding area, if applicable, and a plan for ensuring that the general licensee's facility and surrounding area, if applicable, are acceptable for unrestricted use, shall be furnished to the Agency within 30 days. The radiological criteria for unrestricted use in R12-1-452 may be used, as determined by the Agency on a case-by-case basis.

f. Not abandon the device containing radioactive material.

g. Not export a device containing radioactive material except in accordance with 10CFR110, January 1, 2005, which is incorporated by reference, published by the Office of Federal Register National Archives and Records Administration, Washington, D.C. 20408, and on file with the Agency. This incorporation by reference contains no future editions or amendments.

h. Transfer or dispose of a device containing radioactive material only by export as provided by subsection (g), by transfer to another general licensee as authorized in subsection (k), or to a person authorized to receive the device by a specific license issued by the Agency, the NRC or an Agreement State, or authorizes waste collection by equivalent regulations of an Agreement State, or the NRC, or as otherwise approved under subsection (j).

i. Within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the Agency. The report shall contain:
   i. The identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number;
   ii. The name, address, and license number of the person receiving the device (license number not applicable if exported); and
   iii. The date of the transfer.

j. Obtain written Agency approval before transferring the device to any other specific licensee not specifically identified in subsection (h).

k. Transfer a device to another general licensee only:
   i. If the device remains in use at a particular location, the transferor shall give the transferee a copy of this Section, a copy of R12-1-443, R12-1-445, and R12-1-448 and any safety documents identified in the device label. Within 30 days of the transfer, the transferor shall report to the Agency the manufacturer's (or initial transferor's) name; the model number and the serial number of the device transferred; the transferee's name and mailing address for the location of use; and the name, title, and phone number of the responsible individual identified by the transferee in accordance with subsection (n) to have knowledge of and authority to take actions to ensure compliance with the applicable rules and requirements; or
   ii. If the device is held in storage by an intermediate person in the original shipping container at its intended location of use before initial use by a general licensee.

l. Comply with the provisions of R12-1-443, R12-1-444, R12-1-445, R12-1-447, and R12-1-448 for reporting and notification of radiation incidents, theft or loss of licensed material, and be exempt from the other requirements of 12 A.C.C. 1, Articles 4 and 10.

m. Respond to written requests from the Agency to provide information relating to the general license within 30 days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, the general licensee shall request a longer period to supply the information within that same time period, by providing the Agency a written justification for the request.

n. Appoint an individual responsible for having knowledge of the appropriate rules and requirements and the authority for taking required actions to comply with the applicable rules and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with applicable rules and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

o. Register, in accordance with subsection (p) and (q), devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described under subsection (q)(iv), represents a separate general licensee and requires a separate registration and fee.

p. Register a device annually with the Agency and pay the fee required by R12-1-1306 Category D4, if in possession of a device meeting the criteria of subitem (o). The general licensee shall register by verifying, correcting, and adding to the information provided in a request for registration received from the Agency. The registration information shall be submitted to the Agency within 30 days of the date of the request for registration.

q. In registering a device, furnish the following information and any other information specifically requested by the Agency:
   i Name and mailing address of the general licensee;
   ii. Information about each device, including the manufacturer (or initial transferor), model number, serial number, the radioisotope, and activity (as indicated on the label);

iii. Name, title, and telephone number of the responsible person designated as a representative of the general licensee under subsection (n);
iv. Address or location at which the device(s) are used and stored. For portable devices, the address of the primary place of storage;
v. Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information; and
vi. Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

r. Report changes to the mailing address for the location of use (including change in name of general licensee) to the Agency within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.
s. Not hold devices that are not in use for longer than 2 years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by subsection (b) need not be performed during the period of storage. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they shall be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.
t. A person who is generally licensed by an Agreement State with respect to devices meeting the criteria in subsection (o) are not subject to registration requirements if the devices are used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year. The Agency will not request registration information from a general licensee not subject to the licensing requirements in subsection (o).

~~4. The general license in subsection (B)(1) does not authorize the manufacture of devices containing radioactive material.~~

~~5.~~4. The general license ~~provided in~~ granted under subsection (B)(1) is subject to the provisions of 12 A.A.C. 1, Articles 1, 3, 12, and 15, and A.R.S. §§ 30-654(B)(13), 30-657 (A) and (B), 30-681, and 30-685 through 30-689.

C. ~~Luminous safety devices for aircraft~~

~~1. This subsection establishes~~ In accordance with this subsection a general license is granted to a person ~~a general license~~ for the receipt, acquisition, possession, and use of tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided~~:~~
~~a.~~ ~~Each~~ each device contains not more than 370 GBq (10 curies) of tritium or 11.1 GBq (300 millicuries) of promethium-147; and
~~b.~~ ~~Each~~ each device has been manufactured, assembled or imported according to a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled according to the specifications contained in a specific license issued by the Agency or any Agreement State or Licensing State to the manufacturer or assembler of the device according to licensing requirements equivalent to those in 10 CFR 32.53.

~~2.~~ Persons who receive, acquire, possess, or use luminous safety devices according to the general license ~~in subsection (C)(1)~~ under this subsection are: ~~are exempt from the requirements of 12 A.A.C. 1, Article 4 and Article 10 except that they shall comply with the provisions of R12-1-443 and R12-1-444.~~

~~3. This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.~~

~~4. This general license does not authorize the ownership, receipt, acquisition, possession, or use of radioactive materials contained in instrument dials.~~

~~5. This general license is subject to the provisions of 12 A.A.C. 1, Articles 1, 3, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A), 30-657(B), 30-681, and 30-685 through 30-689.~~

1. Exempt from the requirements of 12 A.A.C. 1, Article 4 and Article 10 except that they shall comply with the reporting and notification provisions of R12-1-443, R12-1-444; R12-1-445, R12-1-447, and R12-1-448;
2. Not authorized to manufacture, assemble, or repair of luminous safety devices containing tritium or promethium-147;
3. Not authorized to own, receive, acquire, possess, or use radioactive materials contained in instrument dials; and
4. Subject to the provisions of 12 A.A.C. 1, Articles 1, 3, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A), 30-657(B), 30-681, and 30-685 through 30-689.

D. ~~Calibration and reference sources~~

~~1. This subsection establishes a general license for those persons listed below to receive, acquire, possess, use, and transfer, according to the provisions of subsections (D)(4) and (5), americium-241 in the form of calibration or reference sources:~~
~~a. Any person who holds a specific license issued by the Agency which authorizes the receipt, possession, use, and transfer of radioactive material; and~~
~~b. Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission which authorizes the receipt, possession, use, and transfer of special nuclear material.~~

~~2. This subsection establishes a general license for ownership, receipt, possession, use, and transfer of plutonium in the form of calibration or reference sources to any person who holds a specific license issued by the Agency authorizing receipt, possession, use, and transfer of radioactive material.~~

~~3. This subsection establishes a general license to receive, possess, use and transfer radium-226 in the form of calibration or reference sources to any person who holds a specific license issued by the Agency authorizing receipt, possession, use, and transfer of radioactive material.~~

~~4. The general licenses in subsections (D)(1), (2), and (3) apply to calibration or reference sources which have been manufactured according to the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission in 10 CFR 32.57 or 10 CFR 70.39. The general licenses also apply to calibration or reference sources which have been manufactured according to the specifications contained in a specific license issued to the manufacturer by the Agency or any Agreement State or Licensing State according to licensing requirements equivalent to those contained in 10 CFR 32.57 or 10 CFR 70.39~~

~~5. The general licenses provided in subsections (D)(1), (2), and (3) are subject to the provisions of 12 A.A.C. 1, Articles 1, 3, 4, 10, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A), 30-657(B), 30-681, and 30-685 through 30-689. In addition, persons who own, receive, acquire, possess, use, or transfer 1 or more calibration or reference sources according to these general licenses:~~

~~a. Shall not possess at any 1 time, at any location of storage or use, more than 185 kBq (5 microcuries) of americium-241, plutonium, or radium-226 in calibration or reference sources;~~

~~b. Shall not receive, possess, use, or transfer a calibration or reference source unless the source, or the storage container, bears a label which includes 1 of the following statements or a substantially similar statement which contains the information called for in 1 of the following statements:~~

~~i. The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.~~
~~CAUTION -- RADIOACTIVE MATERIAL -- THIS SOURCE CONTAINS (name of the appropriate material) -- DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.~~

~~_____~~
~~Name of manufacturer or importer~~

~~ii. The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of any Licensing State. Do not remove this label.~~
~~CAUTION -- RADIOACTIVE MATERIAL -- THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.~~

~~_____~~
~~Name of manufacturer or importer~~

~~c. Shall not transfer, abandon, or dispose of a calibration or reference source except by transfer to a person authorized by a license from the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;~~

~~d. Shall store a calibration or reference source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and~~

~~e. Shall not use a calibration or reference source for any purpose other than the calibration of radiation detectors or the standardization of other sources.~~

~~6. These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.~~

A general license is granted to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use, and transfer radioactive material; or holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes the licensee to receive, possess use, and transfer special nuclear material. For americium-241, radium-226, and plutonium in the form of calibration or reference sources, a general license is granted in accordance with the provisions of subsections (D)(1) (2) and (3). For plutonium ownership shall be included in the licensed activities.

1. The general license granted under this subsection is for calibration or reference sources which have been manufactured according to the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission under 10 CFR 32.57 or 10 CFR 70.39. This general license is also for calibration or reference sources which have been manufactured according to the specifications contained in a specific license issued to the manufacturer by the Agency, Agreement State, or Licensing State, according to licensing requirements equivalent to those contained in 10 CFR 32.57 or 10 CFR 70.39 January 1, 2004, which is incorporated by reference and on file with the Agency. This incorporation by reference contains no future editions or amendments.
2. The general license granted under this subsection is subject to the provisions of 12 A.A.C. 1, Articles 1, 3, 4, 10, 12, and 15 and A.R.S. §§ 30-654(B)(13), 30-657(A), 30-657(B), 30-681, and 30-685 through 30-689. In addition, per-

sons who own, receive, acquire, possess, use, or transfer one or more calibration or reference source under a general license granted under this subsection shall:

a. Not possess at any one time, at any location of storage or use, more than 185 kBq (5 microcuries) of americium-241, plutonium, or radium-226 in calibration or reference sources;

b. Not receive, possess, use, or transfer a calibration or reference source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in one of the following statements:

i. The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.
CAUTION -- RADIOACTIVE MATERIAL -- THIS SOURCE CONTAINS (name of the appropriate material) -- DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____
Name of manufacturer or importer

ii. The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of any Licensing State. Do not remove this label.
CAUTION -- RADIOACTIVE MATERIAL -- THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____
Name of manufacturer or importer

c. Not transfer, abandon, or dispose of a calibration or reference source except by transfer to a person authorized by a license from the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;

d. Store a calibration or reference source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and

e. Not use a calibration or reference source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

3. The general license does not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.

E. ~~Medical diagnostic uses~~

~~Receipt~~ In accordance with this subsection a general license is granted to a person for the receipt, possession, use, transfer, ownership or acquisition of carbon-14 urea capsules containing ~~1~~ one microcurie of carbon-14 urea for ~~"in vivo"~~ in vivo human diagnostic use:

1. Except as provided in subsections (E)(2) and (3), a physician is exempt from the requirements for a specific license provided that each carbon-14 urea capsule for ~~"in vivo"~~ in vivo diagnostic use contains no more than 1 microcurie.
2. Any physician who desires to use the capsules for research involving human subjects shall obtain a specific license issued according to the specific licensing requirements in this Article.
3. Any physician who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution carbon-14 urea capsules shall obtain a specific license from the Agency, issued according to the requirements in 10 CFR 32, ~~1998 Edition~~ January 1, 2005, ~~published January 1, 1998~~, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of Secretary of State~~. This incorporation by reference contains no future editions or amendments.
4. No change

F. ~~General license for use of radioactive material for certain in vitro clinical or laboratory testing~~

~~1. This subsection establishes a general license for any physician, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, the following radioactive materials in prepackaged units:~~

In accordance with this subsection a general license is granted to any physician, clinical laboratory, or hospital for use of radioactive material for certain in vitro clinical or laboratory testing

1. The general licensee is authorized to receive, acquire, possess, transfer, or use, for any of the following stated tests, the following radioactive materials in prepackaged units:
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change

g. No change

2. A person shall not acquire, receive, possess, use or transfer radioactive material according to the general license established by ~~subsection (F)(1)~~ this subsection until the person has filed ARRA-9, "Certificate -- In Vitro Testing with Radioactive Material Under General License", requesting the information listed in Exhibit E, with the Agency and received a validated copy of ARRA-9 which shows the assigned certification number. The physician, clinical laboratory, or hospital shall furnish on ARRA-9 the following information:
   a. No change
   b. No change
3. A person who receives, acquires, possesses or uses radioactive material according to the general license ~~established by subsection (F)(1)~~ issued under this subsection shall comply with the following:
   a. ~~The general licensee shall not possess~~ Possess at any ~~1~~ one time, in storage or use, a combined total of more than 7.4 MBq (200 microcuries) ~~total amount~~ of iodine-125, iodine-131, iron-59, or cobalt-57 in excess of 7.4 MBq (200 microcuries), or acquire or use in any ~~1~~ one calendar month ~~any~~ more than 18.5 MBq (500 microcuries) of ~~these materials~~ the listed radionuclides.
   b. ~~The general licensee shall store~~ Store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.
   c. ~~The general licensee shall use~~ Use the radioactive material only for the uses authorized by this subsection ~~(F)(1)~~.
   d. ~~The general licensee shall not transfer the~~ Not transfer radioactive material to a person who is not authorized to receive it according to a license issued by the Agency, the U.S. Nuclear Regulatory Commission, or any Agreement State or Licensing State, or transfer the radioactive material in any manner other than in the unopened, labeled shipping container received from the supplier.
   e. ~~The general licensee shall not dispose of the~~ Not dispose of mock iodine-125 reference or calibration sources described above except as authorized by R12-1-434.
4. The general licensee shall not receive, acquire, possess, or use radioactive material according to this subsection ~~(F)(1)~~:
   a. No change
   b. No change
      i. No change
      ii. No change
5. ~~A physician, clinical laboratory or hospital possessing or using radioactive material under the general license in subsection (F)(1) shall report in writing to the Agency, any changes in the information furnished on the ARRA-9. The report shall be furnished within 30 days after the effective date of the change.~~
6. ~~Any person using radioactive material according to the general license of subsection (F)(1) is exempt from the requirements of 12 A.A.C. 1, Article 4 and Article 10 with respect to radioactive material covered by that general license, except that persons using mock iodine-125 sources described in subsection (F)(1)(g) shall comply with the provisions of R12-1-434, R12-1-443, and R12-1-444 of these rules.~~
7. ~~For the purposes of subsection (F), a licensed veterinary care facility is considered a "clinical laboratory".~~
5. A physician, clinical laboratory or hospital possessing or using radioactive material under a general license issued under this subsection:
   a. Shall report in writing to the Agency, any changes in the information furnished on the ARRA-9. The report shall be furnished within 30 days after the effective date of the change.
   b. Is exempt from the requirements of 12 A.A.C. 1, Article 4 and Article 10 with respect to radioactive material covered by that general license, except that persons using mock iodine-125 sources described in subsection (F)(1)(g) shall comply with the provisions of R12-1-434, R12-1-443, and R12-1-444 of these rules.
6. For the purposes of subsection (F), a licensed veterinary care facility is considered a "clinical laboratory".

G. ~~Ice detection devices~~

1. ~~This subsection establishes~~ In accordance with this subsection a general license is granted to a person ~~a general license~~ to receive, acquire, possess, use, and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 Mbq (50 μCi) of strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured according to the specifications contained in a specific license issued by the Agency or any Agreement State to the manufacturer of the device under licensing requirements equivalent to those in 10 CFR 32.61.
2. Persons who receive, acquire, possess, use, or transfer strontium-90 contained in ice detection devices ~~according to the general license in subsection (G)(1)~~ under a general license issued under this subsection:

~~a.~~1. Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service ice detection devices; or shall dispose of the device according to the provisions of R12-1-434;

~~b.~~2. Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement prohibiting removal

of the labels, are maintained on the devices; and

~~c.~~3. Are exempt from the requirements of 12 A.A.C. 1, Article 4 and Article 10, except the users of ice detection devices shall comply with the provisions of R12-1-434, R12-1-443 and R12-1-444.

~~3.~~4. ~~This general license does not authorize the manufacture, assembly, disassembly or repair~~ of ~~strontium-90 in ice detection devices~~ Shall not manufacture, assemble, disassemble or repair ice detection devices containing strontium-90.

~~4.~~5. ~~This general license is~~ Are subject to the provisions of 12 A.A.C. 1, Articles 1, 3, 12, and 15, and A.R.S. §§ 30-654(B), 30-657(A), 30-657(B), 30-681, and 30-685 through 30-689.

R12-1-308. Filing Application for Specific Licenses

A. No change

B. The Agency may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Agency to determine whether the application should be granted or denied or whether a license should be modified or revoked.

C. No change

D. Except for the specified category activities that shall not be combined listed in R12-1-1302, an ~~An~~ application for a license may include a request for a license authorizing more than 1 activity. ~~authorized by R12-1-1302~~.

E. No change

F. No change

R12-1-309. General Requirements for the Issuance of Specific Licenses

1. No change
2. No change
3. No change
4. The applicant satisfies all applicable special requirements in R12-1-310, R12-1-311, R12-1-322, R12-1-323, 12 A.A.C. 1, Article 5, 7, and 17; and
5. No change:
   a. The nature of the proposed activity involving radioactive material; and
   b. No change

R12-1-310. Special Requirements for Issuance of Specific Broad Scope Licenses

A. No change

1. No change
   a. No change
   b. No change
2. No change
   a. The possession limit, if only ~~1~~ one radionuclide is possessed, is the quantity specified for that radionuclide in Exhibit C, Column I, or
   b. No change
3. No change
   a. The possession limit, if only ~~1~~ one radionuclide is possessed, is the quantity specified for that radionuclide in Exhibit C, Column II, or
   b. No change

B. No change

1. No change
   a. No change
   b. The applicant has engaged in a reasonable number of activities involving the use of radioactive material. For purposes of this subsection, the requirement of "reasonable number of activities" can be satisfied by showing that the applicant has ~~5~~ five years of experience in the use of radioactive material. The Agency may accept less than ~~5~~ five years of experience if the applicant's qualifications are adequate for the scope of the proposed license; and
   c. No change
      i. No change
      ii. No change
      iii. No change
2. No change
   a. No change
   b. No change:
      i. No change
      ii. No change
3. No change
   a. No change

b. No change
   i. No change
   ii. No change
c. No change

C. No change
1. No change
2. No change
3. Conduct activities for which a specific license is issued under R12-1-311, and 12 A.A.C. 1, Articles 5, 7, or 17; or
4. No change

D. No change

E. No change

F. Radioactive material possessed under the class C broad scope license shall only be used by, or under the direct supervision of, individuals who satisfy the requirements of R12-1-310(B)(3)(b).

R12-1-311. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices That Contain Radioactive Material

A. No change
1. In addition to the requirements set forth in R12-1-309, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under R12-1-303(A)(1) shall be issued if:
   a. No change
   b. No change
2. ~~Each person licensed under this subsection shall file an annual report with the Agency which identifies the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; the name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made according to this subsection during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and be filed within 30 days after June 30.~~

   Each person licensed under subsection (1) to initially transfer devices to generally licensed persons shall comply with the requirements of this Section.
   a. The person shall report to the Agency in writing, all transfers of devices to persons for use under the general license in R12-1-306(B) and all receipts of devices from persons licensed under R12-1-306(B). The report shall be submitted on a quarterly basis and contain the following information:
      i. The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.
      ii. The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
      iii. The date of transfer;
      iv. The type, model number, and serial number of the device transferred; and
      v. The quantity and type of radioactive material contained in the device.
   b. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).
   c. For devices received from a R12-1-306(B) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.
   d. If the licensee makes changes to a device possessed by a R12-1-306(B) general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.
   e. The report shall cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.
   f. The report shall clearly identify the specific licensee submitting the report and include the license number of the specific licensee.
   g. If no transfers have been made to or from persons generally licensed under R12-1-306(B) during the reporting

period, the report shall indicate the lack of transfers.

h. The person shall report all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to R12-1-306(B) and all receipts of devices from general licensees in the Agreement State's jurisdiction to the responsible Agreement State agency. The report shall be submitted and contain the following information:
   i. The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.
   ii. The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
   iii. The date of transfer;
   iv. The type, model number, and serial number of the device transferred; and
   v. The quantity and type of radioactive material contained in the device.
   vi. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

i. For devices received from a general licensee, the report shall include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

j. If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report shall identify the general licensee, the device, and the changes to information on the device label.

k. The report shall cover each calendar quarter, filed within 30 days of the end of the calendar quarter, and clearly indicate the period covered by the report.

l. The report shall clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

m. If no transfers have been made to or from a particular Agreement State during the reporting period, this information shall be reported to the Agency, NRC or responsible Agreement State agency upon request of the agency.

3. The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this Section. Records maintained in accordance with this subsection shall be maintained for a period of 3 years following the date of the recorded event.

B. No change

1. An application for a specific license to distribute ~~NARM~~ naturally occurring and accelerator-produced radioactive material (NARM) to persons exempted from these rules according to R12-1-303(C) will be approved if the applicant satisfies the requirements of R12-1-309, and
   a. No change
   b. No change
   c. No change
2. The ~~licensee~~ license issued under ~~subsection (B)(1)~~ this subsection is subject to the following conditions:
   a. ~~No more than 10~~ Ten exempt quantities ~~shall~~ may be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of ~~1~~ one or more of the exempt quantity provided the sum of the fractions shall not exceed unity.
   b. Each exempt quantity shall be separately and individually packaged. No more than 10 packaged exempt quantities shall be contained in any outer package for transfer to persons exempt according to R12-1-303(C). The outer package shall be such that the dose rate at the external surface of the package does not exceed 5 u Sv (0.5 millirem) per hour.
   c. No change
      i. No change
      ii. No change
   d. No change
      i. No change
      ii. No change
      iii. No change
3. Each person licensed under this subsection ~~(B)~~ shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under R12-1-303(C) or the equivalent regulations of a Licensing State, and stating the kinds and quantities of radioactive material transferred. An annual ~~summary~~ report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the Agency. ~~Each report~~

~~shall cover the year ending June 30, and shall be filed within 30 days after June 30. If no transfers of radioactive material have been made according to this subsection during the reporting period, the report shall so indicate.~~ An annual report shall be provided to the Agency even though no transfers of radioactive material have been made according to this subsection during the reporting period. The report shall cover the year ending June 30, and be filed within 30 days after June 30.

C. The Agency shall approve an application for a specific license authorizing the incorporation of radioactive material, other than source or by-product material, into gas and aerosol detectors to be distributed to persons exempt under R12-1-303(B) if the application satisfies requirements equivalent to those contained in 10 CFR 32.26, ~~1998 Edition~~ January 1, 2005, ~~published January 1, 1998,~~ which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of the Secretary of State which shall not contain any~~, containing no future editions or references, and provided:

1. The applicant satisfies the requirements of R12-1-309.
2. The licensee files annual reports required by 10 CFR 32.29, ~~1998 Edition~~ January 1, 2005, ~~published January 1, 1998~~, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of the Secretary of State, with the Agency~~. This incorporation by reference contains no future editions or references.

D. Licensing the manufacture and distribution of devices to persons generally licensed under R12-1-306(B).

1. No change
   a. The applicant satisfies the general requirements of R12-1-309;
   b. No change
      i. No change
      ii. No change
      iii. No change
   c. No change
      i. No change
      ii. No change
      iii. The information called for in ~~1~~ one of the following statements in the same or substantially similar form:
   d. No change
   e. Each device having a separable source housing that provides the primary shielding for the source shall also bear on the source housing a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in R12-1-428, and the name of the manufacturer or initial distributor.
   f. Each device meeting the criteria of 10 CFR 31.5(c)(13)(i) January 1, 2005, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, on file with the Agency, containing no future editions or amendments, bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing, if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in R12-1-428.
2. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
   h. No change
   i. No change
   j. No change
3. No change
4. Each person licensed under subsection (D) to distribute devices to general licensed persons shall ~~furnish~~ provide, if a device containing radioactive material is to be transferred for use under the general license contained in R12-1-306(B), each person that is licensed under R12-1-311(D), the information specified in this subsection to each person to whom a device is to be transferred. This information shall be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information shall also be provided to the intended user prior to initial transfer to the intermediate person. The required information shall include:
   ~~a. A copy of the general license contained in R12-1-306(B) to each person to whom the individual, directly or through an intermediate person, transfers radioactive material in a device for use according to the general license~~

~~contained in R12-1-306(B).~~

~~b. A copy of the general license contained in the NRC or Agreement State's or Licensing State's regulation equivalent to R12-1-306(B), or alternatively, furnish a copy of the general license contained in R12-1-306(B) to each person to whom the individual, directly or through an intermediate person, transfers radioactive material in a device for use according to the general license of the NRC, Agreement State, or Licensing State. If a copy of the general license in R12-1-306(B) is furnished to a person, it shall be accompanied by a note explaining that the use of the device is regulated by the NRC, Agreement State, or Licensing State under requirements substantially the same as those in R12-1-306(B).~~

a. A copy of the general license issued under R12-1-306(B);
b. A copy of R12-1-443, and R12-1-445;
c. A list of the services that can only be performed by a specific licensee;
d. Information on acceptable disposal options including estimated costs of disposal; and
e. An indication of the Agency's policy is to issue civil penalties for improper disposal.

5. If radioactive material is to be transferred in a device for use under an equivalent general license of the NRC or another Agreement State, each person that is licensed under R12-1-304(B) shall provide the information specified in this subsection to each person to whom a device is to be transferred. This information shall be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information shall also be provided to the intended user prior to initial transfer to the intermediate person. The required information shall include:
   a. A copy of an Agreement State's regulations equivalent to R12-1-306(A) and (B), A.R.S. § 30-657, R12-1-443, and R12-1-445. If a copy of the NRC regulations is provided to a prospective general licensee in lieu of an Agreement State's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State. If certain requirements do not apply to a particular device they may be omitted;
   b. A list of the services that can only be performed by a specific licensee;
   c. Information on acceptable disposal options including estimated costs of disposal; and
   d. The name or title, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained
6. An alternate method for informing the customer may be proposed to the Agency by the licensee.
7. If a notification of bankruptcy has been made under R12-1-313(D) or a license is to be terminated, a person licensed under subsection (1) shall provide, upon request, to the Agency and to the NRC or other Agreement State, records of the disposition required under A.R.S. § 30-657.

~~5~~8. Each person licensed under subsection (D), to initially transfer devices to generally licensed persons, shall comply with the following requirements:
   a. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
      v. No change
   b. No change
   c. No change:
      i. No change
      ii. No change
      iii. No change
      iv. No change
   d. No change
   e. No change
   f. No change
   g. No change

~~6~~9. The licensee shall maintain records of all transfers for Agency inspection. Records shall be maintained for three years after termination of the license to manufacture the generally licensed devices regulated under R12-1-306(B).

E. No change
1. No change
2. The requirements of 10 CFR 32.53 through 32.56 and 32.101, ~~1998 Edition~~ January 1, 2005, which is incorporated by reference, ~~published January 1, 1998~~ published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of the Secretary of State, or their equivalent~~. These incorporations by reference contain no future editions or amendments.

F. No change
1. No change
2. The requirements of 10 CFR 32.57, 32.58, 32.59, 32.102, and 70.39, ~~1998~~ January 1, 2005, which is incorporated by

reference, ~~Edition, published January 1, 1998~~, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of the Secretary of State, or their equivalent~~. These incorporations by reference contain no future editions or amendments.

G. No change
1. No change
2. No change
   a. No change
   b. No change

H. No change
1. No change
2. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
3. No change
   a. No change
   b. No change
4. No change
   a. No change
   b. No change
5. No change

I. No change
1. No change
2. The criteria of 10 CFR 32.61, 32.62, and 32.103, ~~1998~~ January 1, 2005 ~~Edition, published January 1, 1998~~, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of the Secretary of State~~. These incorporations by reference contain no future editions or amendments.

J. ~~Manufacture and distribution of radiopharmaceuticals for medical use under a license issued according to 12 A.A.C. 1, Article 7.~~
~~1. The Agency shall approve an application for a specific license to manufacture and distribute radiopharmaceuticals for use by persons licensed under 12 A.A.C. 1, Article 7 if:~~
   ~~a. The applicant satisfies the general requirements specified in R12-1-309; and~~
   ~~b. The applicant submits evidence that:~~
      ~~i. The radiopharmaceutical will be manufactured, labeled, and packed according to the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biological product license issued by the FDA or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by the FDA; or~~
      ~~ii. The manufacture and distribution of the radiopharmaceutical is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.~~
   ~~c. The applicant submits information on the radionuclide; chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and~~
   ~~d. The label affixed to each package of the radiopharmaceutical contains information on the radionuclide; quantity, and date of assay; and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed according to the requirements in 12 A.A.C. 1, Article 7 or an equivalent license of the U.S. Nuclear Regulatory Commission or an Agreement State or Licensing State. The labels, leaflets or brochures required by this subsection supplement the labeling required by the Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, combined with the labeling required by FDA.~~
~~2. A radiopharmaceutical dispensed from a nuclear pharmacy according to A.R.S. § 32-1904 is exempt from the requirements contained in subsection (J)(1). Labeling of such radiopharmaceuticals is governed by Board of Pharmacy rules and the conditions of a radioactive material license.~~

The Agency shall approve an application for a specific license to manufacture, prepare, or transfer for commercial distribution radioactive drugs containing radioactive material for use by a person authorized in accordance with Article 7 of

this Chapter, will be approved by the Agency if all of the requirements in 10 CFR 32.72, January 1, 2005, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and on file with the Agency. This incorporation by reference contain no future editions or amendments.

K. No change
1. No change
2. No change
   a. No change
   b. No change
3. No change
4. No change
5. No change
   a. No change
   b. No change

L. ~~Manufacture and distribution of sources or devices containing radioactive material for medical use~~
~~1. The Agency shall approve an application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed under 12 A.A.C. 1, Article 7 for use as a calibration or reference source or for certain medical uses as sealed sources if:~~
   ~~a. The applicant satisfies the general requirements in R12-1-309;~~
   ~~b. The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of radiation safety, including:~~
      ~~i. The radioactive material contained, its chemical and physical form, and amount;~~
      ~~ii. Details of design and construction of the source or device;~~
      ~~iii. Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;~~
      ~~iv. For devices containing radioactive material, the radiation profile of a prototype device;~~
      ~~v. Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;~~
      ~~vi. Procedures and standards for calibrating sources and devices;~~
      ~~vii. Legend and methods for labeling sources and devices as to their radioactive content;~~
      ~~viii. Instruction for handling and storing the source or device from the radiation safety standpoint; these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device; provided that instructions which are too lengthy for the label may be summarized on the label and printed in detail on a brochure which is referenced on the label;~~
   ~~c. The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide; quantity, the date of assay, and a statement that the (name of source or device) is licensed by the Agency for distribution to persons licensed under 12 A.A.C. 1, Article 7 or equivalent license of the U.S. Nuclear Regulatory Commission or an Agreement State or a Licensing State, provided that labeling for sources which do not require long term storage may be on a leaflet or brochure which accompanies the source.~~
~~2. In the event the applicant desires that the source or device undergo mandatory testing for leakage of radioactive material at intervals longer than 6 months, the application shall include sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source. In determining the acceptable interval for test of leakage of radioactive material, the Agency shall consider information that includes, but is not limited to:~~
   ~~a. Primary containment (source capsule);~~
   ~~b. Protection of primary containment;~~
   ~~c. Method of sealing containment;~~
   ~~d. Containment construction materials;~~
   ~~e. Form of contained radioactive material;~~
   ~~f. Maximum temperature withstood during prototype tests;~~
   ~~g. Maximum pressure withstood during prototype tests;~~
   ~~h. Maximum quantity of contained radioactive material;~~
   ~~i. Radiotoxicity of contained radioactive material; and~~
   ~~j. Operating experience with identical sources or devices or similarly designed and constructed sources or devices.~~

The Agency shall approve an application for a specific license to manufacture and distribute sources and devices containing radioactive material to a person licensed in accordance with Article 7 of this Chapter for use as a calibration or reference source or for the medical purposes will be approved by the Agency, if all of the requirements in 10 CFR 32.74, January 1, 2004, published by the Office of the Federal Register, National Archives and Records Administration, Wash-

ington, D.C. 20408, and on file with the Agency, are met. This incorporation by reference contain no future editions or amendments.

M. No change
1. No change
   a. No change
   b. No change
   c. No change
2. No change
3. No change
4. No change
   a. No change
   b. No change
      i. No change
      ii. No change
   c. No change
   d. No change
   e. No change
   f. No change
      i. No change
      ii. No change
      iii. No change
      iv. No change
      v. No change
      vi. Keep records showing the name, address, and contact person for each general licensee to whom depleted uranium in industrial products or devices is transferred for use under a general license provided in R12-1-305(C) or equivalent regulations of the U.S. Nuclear Regulatory Commission or of an Agreement State. The records shall be maintained for a period of ~~2~~ three years and show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the reporting requirements of this Section.

R12-1-312. Issuance of Specific Licenses

A. ~~Upon a determination that an application meets the requirements of the Act and the rules of the Agency, the Agency shall issue a specific license authorizing the proposed activity containing conditions and limitations as it deems appropriate or necessary.~~ The Agency shall issue a specific license which may contain conditions and limitations which the Agency has determined to be appropriate or necessary for the proposed activity, upon a determination that the license application meets the requirements of the Act and Agency rules.

B. No change
1. No change
2. No change
3. No change

C. No change

R12-1-313. Specific Terms and Conditions ~~of Licenses~~

A. No change

B. No change

C. No change

D. Each ~~person licensed under this Section~~ specific licensee and each general licensee that is required to register under R12-1-306(B)(3)(o) shall notify the Agency in writing when the licensee decides to permanently discontinue any or all activities involving materials authorized under the license. A licensee or general licensee shall notify the Agency, in writing:
1. Immediately following the filing of a petition for bankruptcy under any Chapter of Title 11 of the United States Code if the petition for bankruptcy is by or against:
   a. The licensee;
   b. An entity (as defined in the bankruptcy code) controlling the licensee or listing the license or licensee as property of the estate; or
   c. An affiliate (as defined in the bankruptcy code) of the licensee.
2. Providing the following information:
   a. The bankruptcy court in which the petition for bankruptcy was filed;
   b. The bankruptcy case title and number; and
   c. The date the petition was filed.

~~**E.** Each licensee shall notify the Agency, in writing~~:
~~1. Immediately following the filing of a petition for bankruptcy under any Chapter of Title 11 of the United States Code if the petition for bankruptcy is by or against:~~
~~a. The licensee;~~
~~b. An entity (as defined in the bankruptcy code) controlling the licensee or listing the license or licensee as property of the estate; or~~
~~c. An affiliate (as defined in the bankruptcy code) of the licensee.~~
~~2. Providing the following information:~~
~~a. The bankruptcy court in which the petition for bankruptcy was filed;~~
~~b. The bankruptcy case title and number; and~~
~~c. The date the petition was filed.~~

R12-1-315. Renewal of License
A. An applicant shall file an application for renewal of a specific license according to R12-1-308.
B. ~~In any case in which a licensee, not less than 30 days prior to expiration of the existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, the existing license does not expire until a final determination by the Agency~~ If a licensee files a renewal application not less than 30 days of the license expiration date and the existing license and associated renewal application is in proper form for the licensing process to continue, the existing license does not expire until a final determination has been made by the Agency.

R12-1-318. Transfer of Radioactive Material
A. No change
B. No change
1. No change
2. No change
3. No change
4. No change
5. No change

C. No change
D. The transferor shall use ~~1~~ one or more of the following methods for the verification required by subsection (C):
1. No change
2. No change
3. No change
4. No change
5. When none of the methods of verification described in subsections (D)(1) to (4) are readily available or when a transferor desires to verify that information received by ~~1~~ one of the above methods is correct or up-to-date, the transferor shall obtain and record confirmation from the Agency, the U.S. Nuclear Regulatory Commission, or the licensing agency of an Agreement State or Licensing State that the transferee is licensed to receive the radioactive material.

E. No change

R12-1-319. Modification, Revocation, or Termination of a License
A. No change
B. No change
C. No change
D. The Agency may terminate a specific license upon a written request by the licensee, if the termination criteria in R12-1-451 and R12-1-452 have been met.
E. No change

R12-1-320. Reciprocal Recognition of Licenses
A. No change
1. No change
2. The out-of-state licensee notifies the Agency in writing at least ~~3~~ three days prior to engaging in the licensed activity. The notification shall indicate the location, period, and type of proposed possession and use within the State, and be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Agency, obtain permission to proceed sooner. The Agency may waive the requirement for filing additional written notifications during the remainder of the calendar year, following receipt of the initial notification from a person engaging in activities under the general license provided in this Section;
3. No change
4. No change

5. No change
   a. No change
   b. No change

B. No change
1. No change
2. No change
3. No change
4. No change

C. No change

D. Before radioactive material can be used at a temporary job site within the State at any Federal facility, a licensee shall determine the jurisdictional status of the job site. If the jurisdictional status is unknown, the licensee shall contact the controlling Federal agency to determine if the job site is under exclusive Federal jurisdiction.

E. Before using radioactive material at job sites under exclusive federal jurisdiction, the general licensee shall:
1. Obtain authorization from the NRC; and
2. Use the radioactive material in accordance with the applicable NRC regulations and orders, and be able to demonstrate to the Agency that the correct license fee was paid to the NRC.

F. Before radioactive material can be used at a temporary job site in another State, authorization shall be obtained from the State if it is an Agreement State, or from the NRC for any non-Agreement State, either by filing for reciprocity or applying for a specific license.

R12-1-321. ~~Preparation of Radioactive Material for Transport~~ Repealed

~~A licensee shall not deliver any radioactive material to a carrier for transport, unless the licensee complies with the provisions of 12 A.A.C. 1, Article 15.~~

R12-1-323. Financial Assurance and Record keeping for Decommissioning

A. For purposes of ~~this rule~~ terminating specific licensed activities:
1. No change
2. No change
3. No change
4. No change
5. No change

B. When applying, each nongovernment applicant for a specific license authorizing the possession and use of radioactive material, and each nongovernment holder of a license to possess and use radioactive material issued before the effective date of this rule, shall submit to the Agency certification of financial security, as required in A.R.S. § 30-672(H). A licensee required to meet the requirements in subsection (C) is exempt from the requirements in this subsection.
1. ~~Each affected licensee shall submit certification of financial security no later than 3 months following the effective date of this rule.~~
2. ~~Licensees required to meet the requirements in subsection (C) are exempt from the requirements in this subsection.~~

C. When applying, each applicant for a specific license authorizing the possession and use of radioactive material, and each holder of a license to possess and use radioactive material issued before the effective date of this rule, shall submit to the Agency a decommissioning funding plan or certification of financial assurance meeting the requirements in 10 CFR 30.35 ~~or 40.36, 1998 Edition~~, 40.36 and 70.25 (b), (d), and (g), ~~published~~ January 1, ~~1998~~ 2005, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of Secretary of State~~. This incorporation by reference contains no future editions or amendments. ~~Each affected licensee shall submit the plan or certification no later than 6 months following the effective date of this rule.~~

D. No change
1. No change
2. No change
3. No change

E. No change
1. Upon expiration or termination of licensed activities, a licensee shall begin decommissioning its facility within 60 days of notifying the Agency of the decision to discontinue licensed activities, or within 12 months of the decision, submit to the Agency a decommissioning plan, as prescribed in 10 CFR 30.36(g)(1), ~~1998 Edition~~ January 1, 2005, ~~published January 1, 1998~~, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of Secretary of State, containing~~. This incorporation by reference contains no future editions or amendments~~, and~~ The licensee may begin decommissioning upon approval of the plan if the license has expired or no licensed activities have been conducted at the licensee's facility for a period of 24 months.

2. No change
   a. ~~Any licensee who has not provided financial assurance to cover decommissioning shall do so 1 year from the effective date of this rule.~~
   b. ~~b.~~ The licensee may reduce the amount of the financial assurance following approval of the decommissioning plan, provided the radiological hazard is decreasing and the licensee has the approval of the Agency.
3. No change
   a. No change
   b. No change
4. No change
5. The Agency shall approve a request for an alternate schedule for completion of decommissioning and license termination if the Agency determines that the alternative is warranted by consideration of the conditions specified in 10 CFR, 30.36(i), ~~1998 Edition~~ January 1, 2005, ~~published January 1, 1998~~, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of Secretary of State, containing~~. This incorporation by reference contains no future editions or amendments.
6. As a final step in decommissioning, the licensee shall meet the requirements specified in 10 CFR Part 30.36(j), ~~1998 Edition~~ January 1, 2005, ~~published January 1, 1998~~, which is incorporated by reference, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, ~~incorporated by reference~~ and on file with the Agency ~~and the Office of Secretary of State, containing~~. This incorporation by reference contains no future editions or amendments.

R12-1-325. ~~Repealed~~ Timeliness in Decommissioning Facilities

A. Principal activities, as used in this Article, means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

B. Each specific license revoked by the Agency expires at the end of the day on the date of the Agency's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by Agency order.

C. Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of radioactive material until the Agency notifies the licensee in writing that the license is terminated. During this time, the licensee shall:
   1. Limit actions involving radioactive material to those related to decommissioning;
   2. Continue to control entry to restricted areas until they are suitable for release in accordance with NRC requirements; and
   3. Pay the appropriate annual fee for the license category listed in R12-1-1306.

D. Each licensee shall provide notification to the Agency in writing, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with Agency requirements, or submit within 12 months of notification a decommissioning plan, and begin decommissioning upon approval within 60 days of the occurrence of any of the following:
   1. The license has expired in accordance with R12-1-314, unless the licensee has submitted a renewal application in accordance with R12-1-315, or subsection (B); or
   2. The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Agency requirements; or
   3. No principal activities under the license have been conducted for a period of 24 months; or
   4. No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Agency requirements.

ARTICLE 4. STANDARDS FOR PROTECTION AGAINST IONIZING RADIATION

R12-1-405. Form of Records

A. A licensee or registrant shall ensure that each record required by this Article is legible throughout the specified retention period. The record shall be the original, a reproduced copy, or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. As an alternative the record may be stored in electronic media capable of producing legible records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. A licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

B. A licensee or registrant may record in the records required by this Article quantities in SI units, however, the SI units shall be in parentheses following each of the required units curie, rad, and rem, and may include multiples and subdivisions.

C. Notwithstanding the requirements of subsection (B), when recording information on shipment manifests, as required in R12-1-439(A), information shall be recorded in the International System of Units (SI) or in SI and the units specified in subsection (B).

D. A licensee or registrant shall make a clear distinction among the quantities entered on the records required by Section (e.g., total effective dose equivalent, shallow-dose equivalent, lens dose equivalent, deep-dose equivalent, committed effective dose equivalent).

R12-1-408. Occupational Dose Amounts for Adults

A. No change
1. No change
   a. No change
   b. No change
2. No change
   a. No change
   b. A shallow dose equivalent of 0.5 Sv (50 rem) to the skin of the whole body or to the skin of any extremity.

B. No change

C. The assigned deep-dose equivalent and shallow-dose equivalent ~~is~~ are, for the portion of the body receiving the highest exposure, determined as follows:
1. No change
2. If a protective apron is worn and monitoring is conducted as specified in ~~R12-1-419(B)~~, R12-1-419(B)(4)(d) the effective dose equivalent for external radiation shall be determined as follows:
   a. No change
   b. No change
3. The assigned deep-dose equivalent shall be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent shall be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep-dose equivalent, lens-dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

D. No change

E. No change

F. No change

R12-1-412. Determination of Prior Occupational Dose

A. ~~For each individual who may enter a licensee's or registrant's restricted area and is likely to receive, in a year, an occupational dose requiring monitoring according to R12-1-419, the licensee or registrant shall:~~
For each individual who is likely to receive in a year, an occupational dose requiring monitoring according to R12-1-419 the licensee shall:
1. No change
2. No change

B. No change
1. No change
2. No change
3. No change

C. No change
1. No change
2. No change
3. No change

D. No change
1. No change
2. No change
3. No change
   a. No change
   b. No change
4. No change

R12-1-413. Planned Special Exposures

A. No change
1. The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid ~~the higher exposure are~~ the dose estimated from the planned special exposure are unavailable or impractical.
2. No change
3. No change:
   a. No change
   b. No change
   c. No change
4. No change
5. No change
   a. No change
   b. No change
6. No change
7. No change

B. No change
1. No change
   a. No change
   b. No change
   c. No change
   d. No change
   e. No change
   f. No change
   g. No change
   h. No change
2. No change

R12-1-415. Dose ~~Limits for~~ Equivalent to an Embryo or Fetus

A. A licensee or registrant shall ensure that the dose equivalent to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 5 mSv (0.5 rem). Records shall be maintained according to R12-1-419(D)(4) and (5).

B. The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman to satisfy the limit in subsection (A).

C. ~~The dose equivalent to an embryo or fetus is the sum of:~~
~~1. The deep-dose equivalent to the declared pregnant woman, and~~
~~2. The dose equivalent to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.~~

For purposes of this rule, the dose equivalent to the embryo or fetus is the sum of:
1. The deep-dose equivalent to the declared pregnant woman; and
2. The dose equivalent to the embryo or fetus resulting from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

D. ~~If by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo or fetus has exceeded 4.5 mSv (0.45 rem), the licensee or registrant is deemed to be in compliance with subsection (A), if the additional dose equivalent to the embryo or fetus does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.~~
If the dose equivalent to the embryo or fetus is found to have exceeded 5 mSv (0.5 rem), or is within 0.5 mSv (0.05 rem) of this dose, by the time the woman declares the pregnancy to the licensee or registrant, the licensee and registrant shall be deemed to be in compliance with subsection (A), if the additional dose equivalent to the embryo or fetus does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.

~~E.~~ ~~A declaration of pregnancy shall remain in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.~~

R12-1-418. Surveys and Monitoring

A. Each licensee or registrant shall make, or cause to be made, surveys that ~~are necessary~~:
1. ~~For~~ May be necessary for the licensee or registrant to comply with Article 4, and
2. ~~Under~~ Are reasonable under the circumstances to evaluate:
   a. ~~Radiation levels;~~ The magnitude and extent of radiation levels; and
   b. Concentrations or quantities of radioactive material, and
   c. The potential radiological hazards ~~that could be present~~.

B. No change:
1. Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology, according to NVLAP procedures published March 1994 as NIST Handbook 150, and NIST Handbook 150-4 published August 1994, ~~by the U.S. Department of Commerce, incorporated by reference and on file with the Agency and the Office of the Secretary of State~~ which is incorporated by reference and published by the U.S. Government Printing Office, Washington D.C. 20402-9325, ~~containing~~. This incorporation by reference contains no future editions or amendments; and
2. No change

C. No change

D. A licensee shall ensure that survey instruments and personnel dosimeters, that are used to make quantitative measurements, are calibrated in accordance with R12-1-449.

~~**D.**~~**E.** Records.
1. No change
2. No change
   a. No change
   b. No change
   c. No change
   d. No change

R12-1-419. Conditions Requiring Individual Monitoring of External and Internal Occupational Dose

A. No change

B. At a minimum each licensee or registrant shall supply and require the use of individual monitoring devices by the following personnel:
1. ~~Adults likely to receive, in one year from sources external to the body, a dose in excess of 10% of the limits in R12-1-408(A);~~
2. ~~Minors and declared pregnant women likely to receive, in one year from sources external to the body, a dose in excess of 10% of any of the applicable limits in R12-1-414 or R12-1-415;~~
3. ~~Individuals entering a high or very high radiation area; and~~
4. ~~The following personnel:~~
   a. ~~Individuals operating mobile x-ray equipment; except dental intraoral systems, as described in R12-1-608;~~
   b. ~~Individuals holding animals for diagnostic x-ray procedures, as described in R12-1-613;~~
   c. ~~Individuals servicing enclosed beam x-ray systems with bypassed interlocks, as described in R12-1-803;~~
   d. ~~Individuals operating open beam fluoroscopic systems and ancillary personnel working in the room when the fluoroscopic system is in use, except when relieved of this requirement by license or registration condition under A.R.S. § 30-654(B)(13);~~
   e. ~~Individuals on their extremities when operating analytical x-ray machines with no safety devices, or if service is performed in the primary beam of the analytical x-ray machine, as described in R12-1-806(D).~~
   f. ~~Individuals performing industrial radiography or operating an uncertified enclosed x-ray machine, as described in Article 5;~~
   g. ~~Individuals performing well logging, as described in Article 17; and~~

~~**C.** Each licensee or registrant shall require that all individual monitoring devices be located on individuals according to the following requirements:~~
1. ~~An individual monitoring device used for the dose to an embryo or fetus of a declared pregnant woman, according to R12-1-415(A), shall be located under the protective apron at the waist. A qualified expert shall be consulted to determine the dose to the embryo or fetus for the rare occasion in which this individual monitoring device has a monthly reported dose equivalent value in excess of 0.5 mSv (50 mrem). For purposes of these rules, the value to be used for determining the dose to an embryo or fetus according to R12-1-415(C)(1), for occupational exposure to radiation from medical fluoroscopic equipment, is the value reported by the individual monitoring device worn at the waist underneath the protective apron which has been corrected for the particular individual and the work environment by a qualified expert;~~
2. ~~An individual monitoring device used for lens dose equivalent shall be located at the neck, or an unshielded location closer to the eye, outside the protective apron;~~
3. ~~If only one individual monitoring device is used to determine the effective dose equivalent for external radiation according to R12-1-408(C)(2), it shall be located at the neck outside the protective apron. If a second individual monitoring device is used for the same purpose, it shall be located under the protective apron at the waist. (Note: The second individual monitoring device is required for a declared pregnant woman.)~~

~~**D.** At a minimum, each licensee or registrant shall monitor, to determine compliance with R12-1-411, the occupational intake of radioactive material and assess the committed effective dose equivalent to:~~
1. Adults likely to receive, in one year, an intake in excess of 10% of the applicable ALI in Table I, Columns 1 and 2, of

Appendix B; ~~and~~
~~2. Minors likely to receive, in one year, a committed effective dose equivalent in excess of 1 mSv (0.1 rem); and~~
~~3. Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 1 mSv (0.1 rem).~~
2. Minors and declared pregnant women likely to receive, in one year, a committed effective dose equivalent in excess of 0.5 mSv (0.05 rem);
3. Each licensee and registrant shall monitor occupational exposure to radiation from radiation sources under the control of a licensee or registrant, and shall supply and require the use of individual monitoring devices by:
   a. Adults likely to receive, in one year from radiation sources external to the body, a dose in excess of 10 percent of the limits in R12-1-408(A);
   b. Minors likely to receive, in one year, from radiation sources external to the body, a deep dose equivalent in excess of 1 mSv (0.1 rem), a lens dose equivalent in excess of 1.5 mSv (0.15 rem), or a shallow dose equivalent to the skin or to the extremities in excess of 5mSv (0.5 rem);
   c. Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 1 mSv (0.1 rem) (Note: All of the occupational doses in R12-1-408 continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded.); and
   d. Individuals entering a high or very high radiation area;
4. Individuals operating mobile x-ray equipment; except dental intraoral systems, as described in R12-1-608;
5. Individuals holding animals for diagnostic x-ray procedures, as described in R12-1-613;
6 Individuals servicing enclosed beam x-ray systems with bypassed interlocks, as described in R12-1-803;
7. Individuals operating open beam fluoroscopic systems and ancillary personnel working in the room when the fluoroscopic system is in use, except when relieved of this requirement by registration condition; and
8. Individuals performing well logging, as described in Article 17.

C. Each licensee shall monitor the occupational intake of radioactive material by and assess the committed effective dose equivalent to:
1. Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI(s) in table 1, columns 1 and 2, of Schedule B;
2. Minors likely to receive, in one year, a committed effective dose equivalent in excess of 1 mSv (0.1 rem); and
3. Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 1 mSv (0.1 rem).

~~**E.**~~**D.** Records.
1. No change
   ~~a. The deep-dose equivalent to the whole body, lens dose equivalent, shallow-dose equivalent to the skin, and shallow dose equivalent to the extremities;~~
   ~~b. The estimated intake of radionuclides, see R12-1-409:~~
   ~~c. The committed effective dose equivalent assigned to the intake of radionuclides;~~
   ~~d. The specific information used to calculate the committed effective dose equivalent according to R12-1-411(C):~~
   a. The deep-dose equivalent to the whole body, lens dose equivalent, shallow-dose equivalent to the skin, and shallow-dose equivalent to the extremities;
   b. The estimated intake of radionuclides;
   c. The committed effective dose equivalent assigned to the intake of radionuclides;
   d. The specific information used to assess the committed effective dose equivalent according to R12-1-411(A) and (C), and when required R12-1-419.
   e. No change
   f. No change
2. No change
3. No change
4. No change
5. No change

R12-1-430. Posting Exceptions

A. No change
1. No change
2. No change

B. No change

C. No change

D. A hospital or clinic licensee is exempt from the posting requirements in R12-1-429 for a teletherapy room if:
1. Access to the room is controlled according to R12-1-731; and

2. Personnel in attendance take necessary precautions to prevent the inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this Chapter.

~~D.~~**E.** A ~~licensee or~~ registrant is not required to post a caution sign in a room or area because of the presence of radiation machines used solely for diagnosis in the healing arts.

R12-1-433. Procedures for Receiving and Opening Packages

A. Each licensee who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in 10 CFR 71.4, ~~2000 Edition,~~ January 1, 2005, which is incorporated by reference, ~~published January 1, 2000~~, published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and is~~, incorporated by reference and~~ on file with the Agency, ~~and the Office of the Secretary of State, and containing~~ This incorporation by reference contains no future editions or amendments~~;~~. The licensee shall make arrangements to receive:

1. No change
2. No change

B. No change

1. Monitor the external surfaces of a package, labeled with a Radioactive White I, Yellow II, or Yellow III as specified in 49 CFR 172.403 and 172.436 through 172.440, ~~1999 Edition~~ October 1, 2004, ~~published October 1, 1999~~ which is incorporated by reference, published by the Office of Federal Register, National Archives and Records Administration, Washington, D.C. 20408, and is~~, incorporated by reference and~~ on file with the Agency, ~~and the Office of the Secretary of State, containing~~ This incorporation by reference contains no future editions or amendments~~;~~. The licensee shall test the package for radioactive contamination, unless the package contains only radioactive material in the form of gas or in special form, as defined in R12-1-102; and
2. No change
3. No change

C. No change

D. The licensee shall immediately notify the final delivery carrier and~~, by telephone and telegram, mailgram, or facsimile, the Agency when~~ the Agency by telephone when:

1. No change
2. No change

E. No change

1. No change
2. No change

F. No change

R12-1-441. Records of Waste Disposal

A. Each licensee shall maintain records of the disposal of licensed materials made in accordance with R12-1-435, R12-1-436, R12-1-437, R12-1-438, and disposal by burial in soil, including burials authorized before February 25, 1985.

B. ~~The records required by subsection (A) shall be maintained for three years after the Agency terminates the applicable license or registration~~. The licensee shall retain the records required by subsection (A) until the Agency terminates each pertinent license or registration requiring the record. The requirement for disposition of these records, prior to license termination, is located in A.R.S. § 30-657.

R12-1-445. Notification of Incidents

A. No change

1. No change
   a. No change
   b. A lens ~~eye~~ dose equivalent of 0.75 Sv (75 rem) or more; or
   c. No change
2. No change

B. No change

1. No change
2. No change
3. No change
4. No change
5. No change

C. No change

1. No change
   a. No change
   b. No change
   c. No change

2. No change

D. No change

E. No change

F. No change

R12-1-453. Reports to Individuals of Exceeding Dose Limits

Any licensee registrant reporting a personnel exposure to the Agency in accordance with R12-1-413(C)(6), R12-1-444, or R12-1-452 shall:

A. Notify the exposed individual of the exposure in the report; and

B. Transmit the report to the exposed individual at the same time the Agency is notified of the exposure.

ARTICLE 5. INDUSTRIAL RADIOGRAPHIC OPERATIONS

R12-1-501. Definitions

"Access panel"	No change
"Annual refresher safety training"	No change
"Aperture"	No change
"Associated equipment"	No change
"Certifying entity"	No change
"Collimator"	No change
"Control (drive) cable"	No change
"Control (drive) mechanism"	No change
"Control tube"	No change
"Door"	No change
"Exposure head"	No change
"Ground fault"	No change

"Guide tube (projection sheath)" means ~~a flexible or rigid tube used to guide the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and the exposure head~~ a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

"Hands-on experience"	No change
"Independent certifying organization"	No change
"Lay-barge radiography"	No change
"Port"	No change
"Practical examination"	No change

"Radiographer certification" means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

"Radiographic operations"	No change
"S-tube"	No change
"Source assembly"	No change
"Underwater radiography"	No change

ARTICLE 10. NOTICES, INSTRUCTIONS, AND REPORTS TO IONIZING RADIATION WORKERS; INSPECTIONS

R12-1-1003. Instruction to Workers

~~**A.** The licensee or registrant shall inform all individuals working in or frequenting any portion of a restricted area of:~~

~~1. The storage, transfer, or use of radioactive material or of radiation in the restricted area and the health protection problems associated with exposure to radioactive material or radiation;~~

~~2. Precautions or procedures to minimize exposure, and the purposes and functions of protective devices employed;~~

~~3. The applicable provisions of Agency rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in each restricted area;~~

~~4. Their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of Agency rules and licenses, or unnecessary exposure to radiation or radioactive material;~~

~~5. The appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and~~

~~6. The radiation exposure reports which workers may request under R12-1-1004.~~

~~**B.** The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.~~

A. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 1 mSv (100 mrem) shall be:

1. Kept informed of the storage, transfer, or use of radiation and radioactive material;
2. Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
3. Instructed in, and required to observe, to the extent within the workers control, the applicable provisions of Agency rules, licenses, and registrations for the protection of personnel from exposure to radiation and/ or radioactive material;
4. Instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of Agency rules, licenses, and registrations, or unnecessary exposure to radiation and/or radioactive material;
5. Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and
6. Advised as to the radiation exposure reports which workers may request according to R12-1-1004.

B. In determining those individuals subject to the requirements of subsection (A), a licensee or registrant shall take into consideration assigned activities during normal and abnormal situations involving exposure to radiation or radioactive material which can reasonably be expected to occur during the life of a facility. The extent of these instructions shall be commensurate with potential radiological health protection problems present in the work place.

ARTICLE 13. LICENSE AND REGISTRATION FEES

R12-1-1302. License and Registration Categories

A. No change
1. No change
2. No change
3. No change
4. No change

B. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

C. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change

D. No change
1. No change
   a. No change
   b. No change

2. No change
3. No change
4. ~~A depleted uranium license is one which authorizes the use of depleted uranium as a concentrated mass or as shielding for other radiation sources within a device or machine. The Agency may combine a depleted uranium license with a medical teletherapy license; a broad industrial A, B or C license; a portable gauge license; a fixed gauge class A or B license; an industrial radiography class A or B license; or a self shielded irradiator license.~~ A general industrial license is a registration of a gauging device in accordance with R12-1-306(B). A general industrial license may be combined into a Class A, B, or C broad industrial, limited industrial, portable gage, or Class A or B fixed gauge license.
5. ~~A depleted uranium general license is a registration of the use of the general license authorized pursuant to R12-1-305(C).~~
   A depleted uranium general license is a registration of:
   a. The use of the general license authorized pursuant to R12-1-305(C); or
   b. the use of depleted uranium as a concentrated mass or as shielding for other radiation sources within a device or machine.
   c. The Agency may combine a depleted uranium general license with a medical teletherapy license; a broad industrial A, B or C license; a portable gauge license; a fixed gauge class A or B license; an industrial radiography class A or B license; or a self-shielded irradiator license.
   d. For registration purposes the applicant shall follow the registration instructions in r12-1-305(C).
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change

E. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

F. No change
1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change

R12-1-1306. Table of Fees

A. The annual fee for each category and type are ~~as~~ shown in Table 13-1.

Table 13-1

Category	Type	Annual fee
A1.	No change	
A2.	No change	
A3.	No change	
A4.	No change	
B1.	No change	
B2.	No change	
B3.	No change	
B4.	No change	
B5.	No change	
B6.	No change	
C1.	No change	
C2.	No change	
C3.	No change	
C4.	No change	
C5.	No change	
C6.	No change	
C7.	No change	
C8.	No change	
C9.	No change	
C10.	No change	
C11.	No change	
C12.	No change	
C13.	No change	
C14.	No change	
C15.	No change	
C16	No change	
C17	No change	
D1.	No change	
D2.	No change	
D3.	No change	
D4.	~~Depleted uranium~~ General Industrial (with fee)	$100
D5.	No change	
D6.	No change	
D7.	No change	
D8.	No change	
D9.	No change	
D10.	No change	
D11.	No change	
D12.	No change	
D13.	No change	
D14.	No change	
D15.	No change	
D16.	No change	
D17.	No change	
D18.	No change	
D19	No change	
E1.	No change	
E2.	No change	
E3.	No change	
E4.	No change	
E5.	No change	
E6.	No change	

F1.		No change	
F2.		No change	
F3.		No change	
F4.		No change	
F5.		No change	
F6.		No change	
F7.		Class II surgical (per device)	$50
F8.		No change	
F9.		No change	
F10.		No change	
F11.		No change	
F12.		No change	
Notes:	(1)	No change	
	(2)	No change	
	(3)	No change	

B. No change
1. No change
   a. No change
   b. No change
   c. No change
2. No change
3. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

CHAPTER 3. DEPARTMENT OF REVENUE
LUXURY TAX SECTION

[R05-145]

PREAMBLE

1. Sections Affected — **Rulemaking Action**

R15-3-317	New Section
R15-3-318	New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 42-1005

Implementing statutes: A.R.S. §§ 42-3004(3)(b), 42-3006(C), 42-3051, 42-3203, 42-3251, 42-3251.01, 42-3302, 42-3303(B), and 42-3304

3. A list of all previous notices appearing in the *Register* addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 1665, May 6, 2005

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Hsin Pai, Tax Analyst

Address: Tax Policy and Research Division
Arizona Department of Revenue
1600 W. Monroe, Room 810
Phoenix, AZ 85007

Telephone: (602) 716-6851

Fax: (602) 716-7995

E-mail: hpai@azdor.gov

Please visit the ADOR Web site to track the progress of these rules and other agency rulemaking matters at www.azdor.gov/tra/draftdoc.htm.

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The agency is initiating rulemaking to: (1) promulgate rules for the proper affixation of Arizona tax stamps on cigarette packages subject to Arizona luxury tax and inspection by the Department, and (2) explain differences among the three categories of tax stamps in use, as currently provided for in *Arizona Luxury Tax Ruling* LTR 94-1.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

There should be no significant economic impact resulting from the adoption of the proposed A.A.C. R15-3-318, as it clarifies policies and practices already promulgated by the Department and required of licensed cigarette distributors. The benefits of increased compliance from clear rules outweigh the costs.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name:	Hsin Pai, Tax Analyst
Address:	Tax Policy and Research Division Arizona Department of Revenue 1600 W. Monroe, Room 810 Phoenix, AZ 85007
Telephone:	(602) 716-6851
Fax:	(602) 716-7995
E-mail:	hpai@azdor.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding on the proposed rulemaking is scheduled as follows:

Date:	Monday, June 6, 2005
Time:	9:00 a.m.
Location:	Arizona Department of Revenue—Basement Conference Room 1600 W. Monroe Phoenix, AZ 85007

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 15. REVENUE

CHAPTER 3. DEPARTMENT OF REVENUE
LUXURY TAX SECTION

ARTICLE 3. TOBACCO

Section
R15-3-317. ~~Reserved~~ Affixation of Tax Stamps
R15-3-318. ~~Renumbered~~ Definitions; Categories of Arizona Distributors

ARTICLE 3. TOBACCO

R15-3-317. ~~Reserved~~ Affixation of Tax Stamps

The Department shall consider a package of cigarettes that are subject to Arizona luxury tax properly stamped only if, upon visual inspection of a distributor's or retailer's inventory pursuant to A.R.S. § 42-3151, the package bears an entire single Arizona tax stamp or greater than fifty percent of a single tax stamp.

R15-3-318. ~~Renumbered~~ Definitions; Categories of Arizona Distributors

A. In this Article:

1. "Exempt entity" means a person that registers with the Department and is one of the following:
   a. An Indian tribe;
   b. An enterprise owned by an Indian tribe;
   c. An individual who is an Indian retailer and who is an enrolled member of the Indian tribe on whose Indian reservation the individual's retail operation is located;
   d. An individual who is an enrolled member of an Indian tribe and is purchasing cigarettes on the Indian reservation of that individual's tribe for the individual's personal use or consumption on that reservation; or
   e. A Licensed Indian Trader.
2. "Distributor" has the meaning in A.R.S. § 42-3001.
3. "Indian" has the meaning in A.R.S. § 42-3301.
4. "Indian reservation" has the meaning in A.R.S. § 42-3301.
5. "Indian retailer" means a person that purchases cigarettes for resale and that is a tribe, tribal member, or entity owned by a tribe or tribal member.
6. "Indian tribe" has the meaning in A.R.S. § 42-3301.
7. "Licensed Indian Trader" means a non-Indian retailer holding a valid license issued by the U.S. Department of the Interior, Bureau of Indian Affairs, under 25 CFR 140.
8. "Person" has the meaning in A.R.S. § 42-3001.

B. A distributor shall affix an Arizona tax stamp issued to the distributor by the Department and of the proper color to packages of cigarettes subject to Arizona luxury tax. The proper color of the tax stamp for a cigarette package is:

1. Red, if the distributor is stamping the cigarette package for sale on an Indian reservation by an Indian retailer to a person other than an exempt entity;
2. Green, if the distributor is stamping the cigarette package:
   a. For an exempt sale on an Indian reservation to an enrolled Indian of that reservation by an authorized retailer, or
   b. For the distributor's personal use or consumption on a reservation, if the distributor is an enrolled Indian of that reservation; or
3. Blue, if the distributor is stamping the cigarette package for any other form of first sale, distribution, use, or consumption in Arizona.

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

[R05-146]

PREAMBLE

1. Sections Affected	Rulemaking Action
R19-2-304	Amend
R19-2-308	Amend
R19-2-309	Amend
R19-2-312	Amend
R19-2-313	Amend
R19-2-314	Amend
R19-2-315	Amend
R19-2-316	Amend
R19-2-317	Amend
R19-2-318	Repeal
R19-2-320	Amend
R19-2-328	Amend
R19-2-329	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 5-104(A)(2) and (5) and (T)

Implementing statutes: A.R.S. §§ 5-104(B) and (I) and 5-107.01

3. A list of all previous notices appearing in the *Register* addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. 816, February 18, 2005

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: William J. Walsh

Address: Arizona Department of Racing
1110 W. Washington St., Suite 260
Phoenix, AZ 85007

Telephone: (602) 364-1725

Fax: (602) 364-1703

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The rules changes were initiated at the direction of the Arizona Racing Commission at the request of industry stakeholders. The changes are intended to modernize the rules and the language of the rules. The proposed rules specify requirements for entry into kennel areas at greyhound tracks, delete references to the sale of tip sheets, require a computerized data base be kept on all greyhounds authorized to race, specify the responsible person for the entry of greyhounds in a race, increase from $500 to $1,000 the amount that stewards may fine a licensee, increase the number of days that the stewards may a suspend a licensee from 60 to 120, define more clearly the types of medication and medical equipment that licensees may possess on the grounds of a greyhound track, and expand the means of identifying a greyhound to come into compliance with modern technology, allow race entries to be made by facsimile. There are numerous changes made to modernize the language in the rule.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not rely on any study in this rulemaking.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

None

8. The preliminary summary of the economic, small business, and consumer impact:

Because the limit on the fines imposed by stewards will be raised from $500 to $1,000, certain licensees will be impacted negatively in this regard. There may be costs to the permittee in establishing the computer data base. The Department will incur costs in time to oversee this mandate. The costs to licensees, permittees and the Department are not known at this time.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: William J. Walsh

Address: Arizona Department of Racing
1110 W. Washington St., Suite 260
Phoenix, AZ 85007

Telephone: (602) 364-1725

Fax: (602) 364-1703

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Arizona Department of Racing will conduct an oral proceeding on the proposed rule if a written request is submitted to the person named in item #4 within 30 days after the date this notice is published. The Arizona Racing Commission will consider the rules at an open meeting at least 30 days following the publication of this notice. The Department will accept written comments on the proposed rule for at least 30 days following publication of this notice.

11. Any other matters prescribed by statue that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:
None

13. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 3. GREYHOUND RACING

Section
R19-2-304. Permittee Responsibilities
R19-2-308. Owners, Kennel Owners, and Trainers
R19-2-309. Officials
R19-2-312. Registration and Transfers
R19-2-313. Leases
R19-2-314. Weights and Weighing
R19-2-315. Schooling
R19-2-316. Entries and Subscriptions
R19-2-317. Rules of the Race
R19-2-318. ~~Hurdle Races~~ Repealed
R19-2-320. Objections
R19-2-328. Transportation of Greyhounds
R19-2-329. Disposition of Greyhounds

ARTICLE 3. GREYHOUND RACING

R19-2-304. Permittee Responsibilities

A. A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that compliance does not exist, ~~he or she~~ the steward shall require that the permittee immediately bring the grounds into compliance.

B. It ~~shall be~~ is the responsibility of the permittee to prevent any person, corporation, firm, or association not licensed by the Department from doing or performing any act or acts at its track which requires a license under A.R.S. Title 5, Chapter 1, or under these rules.

C. Each permittee department head ~~shall be~~ is responsible for seeing that his or her employees are licensed and shall furnish a list of said employees upon request.

D. No change

E. ~~No~~ A permittee or any of its employees shall not obstruct in any way a representative of the Department acting in the performance of ~~his or her~~ their duties.

F. ~~No~~ A permittee shall not knowingly allow on its grounds any betting or other operations in contravention of any law of the state of Arizona or of the United States.

G. ~~The~~ A permittee shall ~~forthwith~~ immediately report all observed violations of any racing regulation or statute to the Department and shall cooperate with the Department and state, federal, and local authorities in investigations thereof.

H. A permittee shall provide the following services at the track:

1. An adequate security force whose duties shall include:
   a. No change
   b. No change
   c. No change
   d. No change
   e. Reporting ~~forthwith~~ immediately to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
2. A security guard stationed at the kennel area entrance whose duties shall include:
   a. No change
   b. Allowing any person seeking employment with the permittee to have access to that area for a period of one day, provided that:
      i. ~~Such~~ The person is given a numbered card or temporary badge.
      ii. No change

iii. The numbered card or badge is retrieved by the security guard when ~~such~~ the person leaves the restricted area.

3. During a race meeting, the permittee shall provide twenty-four hour security at the entrance to the kennel compound. The permittee shall establish a system to monitor those who enter and leave the compound assuring that only licensed personnel, authorized visitors, and those whose duties clearly require entry to the are be permitted access. Public safety officers and Department employees in the performance of their duties may not be denied access to the kennel compound. Unlicensed visitors shall be accompanied by a licensee or security personnel and must obtain a temporary badge before entering the area. The licensee requesting the admittance of a visitor is responsible for the conduct of the visitor and shall ensure compliance by the visitor of all Department rules.

~~3.~~ 4. No change
~~4.~~ 5. No change
~~5.~~ 6. No change
~~6.~~ 7. No Change
~~7. A copy of all tip sheets offered for sale in the parking area or elsewhere on the grounds of the permittee to be furnished daily to the stewards not later than three hours before first post.~~

~~**I.** No tip sheets, pamphlets, or other printed matter purporting to predict the outcome of a race other than official programs and newspapers shall be sold in the betting area.~~

~~J.~~I. Wagering shall be conducted upon the grounds of a permittee only under the pari-mutuel method as provided by statute and these rules and by the use of such mechanical or other equipment as the Department may require. Bookmaking or betting other than by the pari-mutuel method is prohibited.

~~K.~~J. ~~No~~ A permittee shall not allow the official racing of greyhounds on any track under its control unless:

1. All track rules ~~shall be~~ are posted conspicuously and a copy of ~~said~~ the track rules ~~shall be~~ are filed with the Department.
2. The conditions of the race ~~have been~~ were written by the racing secretary at the meeting.
3. The entries ~~have been~~ were made in accordance with the requirements set forth in R19-2-316.
4. No change
5. No change

~~L.~~K. ~~On a daily basis, and~~ Each day as soon as the entries have been closed and compiled and the declarations have been made, the permittee shall post a list ~~thereof~~ of the entries in a conspicuous place.

~~M.~~L. No change

~~N.~~M. ~~No~~ A permittee ~~shall~~ may not allow an official to act until his appointment has been approved by the Department; provided, however, that in the case of sickness or inability to act, the provisions of R19-2-309(A)(5) of these rules apply.

~~O.~~N. The permittee shall provide a photo finish and videotape device approved by the Department for the purpose of recording all official races. ~~Said~~ The photographs and videotapes may be used to aid the stewards in determining the finishes of races. ~~Permittees~~ A permittee shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period of time or be transmitted to the Department for subsequent administrative or judicial proceedings.

~~P.~~O. ~~Any automatic timing device installed by the permittee must have the approval of the Department.~~ The Department shall approve any automatic timing device installed by a permittee.

~~Q.~~P. No change

1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
4. No change
5. No change

Q. Using software approved by the Department, the permittee shall compile and maintain a data base of each greyhound contracted to race at its facility. The data base shall contain the permanent identification number of the greyhound, the date the permittee received the greyhound's registration paper, all vaccination data required by the Department, the greyhound's racing status, and the disposition of the greyhound when the registration paper is removed. The data base shall be available to Department officials on request.

R19-2-308. Owners, Kennel Owners, and Trainers

A. No change
B. No change

C. When a trainer and assistant trainer are to be absent from the kennel or grounds where greyhounds are racing, they shall provide a licensed trainer or assistant trainer to assume complete responsibility for all greyhounds under their care, and they shall both sign a "Trainers' Responsibility Form" which must be approved by the stewards.

D. ~~No~~ An owner, kennel owner, trainer, assistant trainer, race track employee, or other ~~person~~ licensee ~~shall~~ may not accept directly or indirectly any bribe, gift, or gratuity in any form ~~which intends to or might~~ with the intent to influence the ~~results~~ result of any race.

E. ~~Every kennel owner or trainer who does not have his or her greyhound at the weighing-in room promptly at the time appointed shall have such greyhound scratched; in addition, said kennel owner or trainer may be liable for a civil penalty.~~ The trainer of an entered greyhound shall bring the greyhound to the weighing-in room at the appointed time unless the stewards grant additional time for extenuating circumstances. If the greyhound is not brought to the weighing-in room at the appointed time, the stewards shall scratch the greyhound and the trainer may be fined for failing to do so.

F. ~~Trainers~~ A trainer shall report ~~greyhounds~~ any greyhound, under their care or supervision, that ~~are~~ is off racing form or ~~are~~ is in poor physical condition to the racing secretary, who shall immediately notify the stewards. ~~Greyhounds~~ A greyhound so reported shall not be eligible to enter or to start until approved by the track veterinarian and schooled to the satisfaction of the stewards. Violators of this rule may be subject to a civil penalty, suspension, or to ruling off.

G. ~~No~~ Any medicine, antiseptic, fluid, or ~~any~~ other matter containing any color that may ~~causing~~ cause the marring of identification marks ~~shall~~ may not be used on any part of a greyhound.

H. ~~Any~~ An owner, kennel owner, trainer, or other ~~person~~ licensee ~~interested~~ with an interest in any greyhound ~~or greyhounds~~ at a meeting licensed by the Commission, who ~~shall bet~~ places a wager with or through any handbook, shall be ejected from the grounds of the permittee and shall be refused admission to the grounds of all other licensed permittees in the state of Arizona. ~~In the case of~~ If this individual is the owner of any greyhound, the entries of ~~said~~ the owner shall be refused ~~for~~ at all Arizona tracks.

I. ~~All owners~~ Owners, kennel owners, and trainers of greyhounds and their employees are subject to the laws of the state of Arizona and to the rules adopted by the Commission immediately upon making entry to run on a track in Arizona.

J. ~~No~~ A ~~licensed~~ trainer shall not have ~~any~~ an ownership interest in a greyhound ~~of which he or she is not the trainer~~ located at the ~~same~~ track the trainer trains unless the trainer trains the greyhound. For purposes of this rule, a reversionary interest in a greyhound, pursuant to a lease or other agreement ~~which~~ that transfers control of the greyhound, is not ~~to be considered~~ an "ownership interest."

K. The kennel owner and/or trainer is responsible to ensure that each greyhound owner is licensed prior to the greyhound running in a race.

R19-2-309. Officials

A. Generally
1. ~~The term~~ "~~track~~ Track official" means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, mutuel manager, clerk of scales, starter, timer, paddock judge, veterinarian, track superintendent, racing secretary, chart writer, kennel master, and operator of the mechanical lure.
2. No change
3. No change
4. No change
5. No change
   a. No change
   b. No change
   c. No change
6. No change
7. ~~No one interested~~ A person with an interest in the result of a race because of ownership interest in any entered greyhound, bets, or in any other manner ~~shall~~ may act as an official at the meeting.

B. Prohibited acts
1. No official or his or her assistant shall purchase mutuel tickets on races.
2. No official or his or her assistant shall consume alcoholic beverages while on duty.
3. No licensee or race track employee shall accept, either directly or indirectly, any bribe, gift, or gratuity in any form which is intended to or might influence the results of any race or the conduct of any racing meeting.
4. No official or employee shall write or solicit dog insurance at any meeting.

C. Each official and employee shall report all observed violations of these rules to the stewards.

D. Complaints
1. ~~Any~~ A grievance or complaint against a track official, an employee of the permittee, or a licensee shall be made in writing within five days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the stewards, who shall consider the matter, take whatever action is deemed to be appropriate, and make a full report of their action to the Department.
2. ~~Any~~ A grievance or complaint against an official or employee of the Department shall be reported in writing within

five days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the ~~Deputy~~ Director or designee ~~of the Department who shall refer the matter to the Department~~.

3. No change

E. Stewards

1. Two stewards appointed by the Director and one steward appointed by the permittee and licensed by the Director shall supervise each racing meeting.
   a. Stewards' duties ~~shall~~ include being in attendance at the office of the racing secretary or on the grounds of the permittee on any day ~~in which~~ that entries are ~~being~~ taken or racing is ~~being~~ conducted, and representing the Department in all matters pertaining to the interpretation of the rules adopted by the Department.
   b. No change
   c. If a steward is unable to perform ~~his or her~~ the steward's duties for an extended period of time, ~~he or she~~ the steward shall immediately notify the Director ~~of that fact~~ so that an alternate steward may be named to act ~~in his or her~~ the steward's place.
2. No change
3. The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by ~~said~~ the rules. In ~~all such~~ these interpretations, the orders of the stewards ~~shall~~ supersede the orders of the permittee.
   a. No change
   b. The stewards shall investigate and render a decision promptly on each objection properly made to them pursuant to R19-2-320 ~~of these rules~~. ~~Each ruling shall be signed by a majority of the stewards.~~ A majority of the stewards shall sign each ruling.
   c. No change
   d. No change
   e. No change
   f. Pursuant to subsection (E)(6) of this Section, ~~The~~ the stewards may impose a civil penalty in an amount not ~~exceeding~~ ~~$500~~ to exceed $1,000 on any person subject to their control for violation of these rules. ~~In addition, after~~ After a hearing ~~pursuant to subsection (E)(6)~~, the stewards may suspend~~,~~ a person violating any of these rules for ~~a period of time~~ up to ~~60~~ 120 days~~, any person violating any of these rules~~ and may rule off licensees violating any of these rules. ~~Nothing in these rules shall prevent the~~ The stewards ~~from imposing~~ may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by them to the Director recommending further action, including ~~the revocation of a~~ license revocation. ~~suspended by them.~~
   g. ~~In all cases where~~ When the state laboratory reports or other evidence ~~shows~~ show the administration or presence of a foreign substance, the stewards shall immediately investigate the matter, may disqualify the greyhound, may suspend the trainer or other person(s) involved, may refer the matter to the Director, and may impose a fine.
   h. Every person or ~~entry~~ greyhound expelled or ruled off by any recognized racing authority for corrupt or fraudulent or improper practice or conduct is ruled off wherever these rules have force.
   i. When a person ~~has been suspended~~ is under suspension, every greyhound wholly or partly owned by ~~him or her~~ the person shall also be ruled off or expelled, ~~so long as his or her~~ while the suspension continues. ~~He or she~~ The person shall not be qualified, whether acting as agent or otherwise, to subscribe for, or to enter or to run any greyhound in any race, in either ~~his or her own~~ the person's name or that of any other person, and no greyhound of which ~~he or she~~ the person is wholly or partly the owner, or which is under ~~his or her~~ the person's care, management, training, or supervision, or in the winnings of which ~~he or she~~ the person has any interest, shall be qualified to be entered to run in any race. If an entry from any person, or of any greyhound that stands ruled off or expelled, is received, such entry shall be void, and any entry or subscription money is ~~forfeit~~ forfeited. Any money or prize won under ~~said~~ a voided entry shall be returned.
4. The stewards may excuse a greyhound that has left the paddock for the post if they consider ~~such a~~ the greyhound to be crippled, disabled, or unfit to run.
5. No change
   a. The stewards shall promptly display the numbers of the first ~~three~~ four greyhounds in each race in order of their finishes. If the stewards differ in their placing, the majority shall prevail.
   b. No change
      i. No change
      ii. If it is considered advisable to consult a picture from the finish camera, the stewards may post such placements as are in their opinions unquestionable without waiting for a picture. After consulting the picture they ~~may~~ shall make the other placements. ~~In no case, however, shall the~~ A race may not be declared official until the stewards have determined the greyhounds finishing first, second, and third.
   c. ~~Nothing in these~~ The rules shall not be construed to prevent the stewards from correcting an error before the display of the sign "official" or from recalling the sign "official" ~~in case~~ if it has been displayed through error.
6. ~~When the stewards have reason to believe that a rule has been violated by any person, the procedure shall be as follows:~~ The stewards shall adhere to the following procedure when they have reason to believe that a rule has been vio-

lated by any person:

a. ~~The person shall be summoned to a hearing at which all stewards shall be present.~~ The stewards shall summon the person to a hearing with all the stewards present.

b. ~~Twenty-four-hour notice of said hearing shall be given to the person in writing on a form supplied by the Department. This notice shall be timed and dated, and the person notified shall sign it. The original shall remain with the stewards and shall be part of the case file. A copy shall be given to the person summoned.~~ The stewards shall give 24-hours' notice of the hearing to the person, in writing, on a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign it. The stewards shall retain the original and include it as part of the case file. The steward shall give a copy to the person summoned.

c. ~~No penalty shall be imposed until such the hearing concludes.~~ The steward shall not impose a penalty until the hearing.

d. ~~Nonappearance of the summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the stewards.~~ The stewards shall construe nonappearance of the summoned party as a waiver of the right to a hearing before the stewards.

e. ~~The person summoned shall be permitted to present witnesses on his or her own behalf.~~ The stewards shall permit the person summoned to present witnesses on the person's own behalf.

f. ~~If there is substantial evidence to find a violation of these rules, appropriate action, including suspension or civil penalty or both, shall be taken by the stewards.~~ The stewards shall take appropriate action, including suspension or civil penalty or both, if there is substantial evidence to find a violation of these rules. The stewards shall promptly forward their written decision or ruling to the Director and to the party in question.

g. No change

h. ~~Any license suspended by the steward shall be recovered and forwarded to the Department.~~ The stewards shall recover and forward to the Department any license they suspend.

i. ~~All matters within their jurisdiction shall be determined by a majority vote of the stewards.~~ A majority vote of the stewards shall determine all matters within their jurisdiction.

j. No change

k. ~~Civil penalties imposed by the stewards shall be paid to the Department promptly for deposit with the state treasurer.~~ The licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.

7. During the term of suspension of ~~any~~ an owner, trainer, or other person on ~~any~~ a track under the jurisdiction of the Department, ~~it shall be the duty of the stewards and of the permittee to see that the~~ the stewards and the permittee shall ensure that a ruling against the offender is enforced.

F. Racing secretary

1. The duties of the racing secretary shall include:
   a. Reporting to the stewards all violations of these rules or of the rules of the permittee which come to the racing secretary's attention.
   b. Keeping a complete record of all races.
2. The racing secretary or authorized representative shall inspect all papers and documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of kennel names. The racing secretary may demand production of such documents and papers in order to ~~satisfy the racing secretary as to~~ verify their validity and authenticity and to ensure that the rules have been ~~complied with~~ followed.
3. The racing secretary shall write the conditions of all races and shall publish them sufficiently before closing time for entries to allow them to be read by all owners and trainers. ~~Conditions may not be altered~~ The racing secretary shall not alter the conditions after the time set for closing ~~and shall not conflict with racing rules~~. The racing secretary shall not write races that conflict with the rules.
4. The racing secretary shall act as the official handicapper in all races.
5. The racing secretary shall determine the character and condition of substitute and extra races, and the stewards shall approve them.
   a. No substitute or extra races shall carry ~~less~~ a lower guaranteed purse than the ~~race which~~ races that they replace.
   b. No change
6. The racing secretary or ~~his or her~~ designee shall conduct the drawing of all races and immediately thereafter shall post an overnight listing of the greyhounds in each race.
7. No change

G. No change

H. Starter

~~1.~~ ~~The starter shall have:~~

~~a.~~ ~~Complete jurisdiction over the starting of any field of greyhounds, authority to give orders necessary to ensure a fair start, and authority to recommend to the stewards the fining or suspension of any person violating his or her orders.~~

~~b. The greyhound shall be started from a type of starting box approved by the Department, and there shall be no start until, and no recall after, the doors of the starting box have opened. The starter shall report causes of delay, if any should occur, to the stewards.~~

~~c. A false start, due to any faulty action of the starting box, break in the machinery, or other cause, is void. The greyhounds may be started again as soon as practicable, or the race may be canceled at the discretion of the stewards.~~

1. The starter shall have complete jurisdiction over the start of any field of greyhounds, authority to give orders necessary to ensure a fair start, and authority to recommend to the stewards the fining or suspension of any person violating the starter's orders.
2. The greyhound shall be started from a starting box approved by the Department, and there shall be no start until, and no recall after, the doors of the starting box have opened. The starter shall report any causes of delay to the stewards.
3. A false start, due to any faulty action of the starting box, break in the machinery, or other cause, is void. The greyhounds may be started again as soon as practicable, or the race may be canceled at the discretion of the stewards.

I. No change

1. The duties of the clerk of the scales shall include:
   a. No change
   b. No change
   c. Preventing any greyhound from passing the scales or running with an overweight or an underweight of more than ~~1 1/2~~ two pounds. The clerk of scales shall promptly notify the paddock judge, who will report to the stewards, any infraction of the rules as to weight or weighing.
   d. No change
2. No change
3. No change
4. The clerk of scales shall keep a list of all greyhounds known as "weight losers" and ~~he or she~~ shall notify the presiding steward as to the weight loss before each race.

J. No change

1. No change
   a. It shall be the duty of the paddock judge to check all greyhounds for each race.
   b. ~~No~~ A greyhound ~~shall be permitted to~~ may not start in a schooling or purse race ~~that has not~~ unless it has been fully identified and checked against the card index system of identification maintained by each permittee. The identification cards shall be filled in and completed by the paddock judge before greyhounds are entered for schooling or for a purse race.
   c. Each permittee shall keep and maintain a card index system ~~of~~ for identification of each greyhound racing at the meeting. The cards shall ~~show~~ contain the names of the owner and trainer, breeding, weight, color, sex, and the characteristic markings, tattoos, and scars, and other identification features peculiar to the greyhound.
2. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to see that the kennels are in perfect repair and that nothing has been deposited in any of the kennels for the greyhound's consumption. ~~He or she~~ The kennel master shall ~~see~~ ensure that the kennels are sprayed, disinfected, and kept in proper sanitary condition. ~~He or she or his or her~~ The kennel master or assistant must receive the greyhounds from the trainer, one at a time, see that the greyhounds are placed in their kennel, and remain on guard from that time until the greyhounds are removed for the last race.
3. As each greyhound is weighed in there shall be an identification tag attached to its collar indicating the number of the race in which the greyhound is entered and its post position. ~~This~~ The tag ~~shall~~ may not be removed until the greyhound has been weighed out and blanketed.
4. The paddock judge shall not allow anyone to weigh in a greyhound for racing unless ~~he or she~~ the person has ~~in his or her possession~~ a valid owner's, trainer's, or assistant trainer's license issued by the Department.
5. After the greyhounds are placed in the lockout kennels, no person other than the kennel master, racing officials, person or persons approved by the Department, or designated representatives of the Department shall be allowed in or near the lockout kennels.
6. No change
7. Before leaving the paddock for the starting box, every greyhound must be equipped with a regulation muzzle and blanket. The muzzles and blankets ~~used~~ shall be approved by the paddock judge and shall be carefully examined by him or her in the paddock before the greyhound leaves for the post.
8. No change
9. No change

K. Timer

1. The timer shall accurately record the official time of each race, which shall be taken from the opening of the doors of the starting box. ~~This position may be combined with that of steward.~~ A steward may also perform this function.
2. Each permittee shall ~~be required to~~ install an automatic timing device approved by the Department. The timer shall

use the time shown on the timing device as the official time of the race if ~~he or she~~ the timer is satisfied that the timing device is functioning properly. ~~Otherwise he or she~~ If the timing device is not functioning properly, the timer shall use the time shown on the stopwatch ~~which he or she shall operate~~ the timer operates. When the stopwatch time is used as the official time of the race, it shall be ~~so~~ announced to the public.

L. Chart writer

1. The chart writer shall compile the information necessary for a program ~~which shall be~~ printed for each racing day~~, and shall contain~~ The program shall list the names of the greyhounds that are to run in each of the races for that day. ~~These~~ The names shall appear in the order of ~~their~~ post ~~positions~~ position~~,~~ ~~the said post positions to be~~ designated by numerals placed at the left and in line with the names of the greyhounds in each race~~,~~ ~~which~~ The numerals shall also be prominently displayed on each greyhound.
2. All past performances as shown in the program shall be in dated order of the races or official schoolings ~~held~~, with the last performance appearing on the first line~~, etc.~~
3. ~~Program~~ The program or form sheet ~~must~~ shall also contain the name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races and number of times finishing first, second, and third, name of owner and trainer, distance of race, track record, and such other information as will enable the public to properly judge the greyhound's ability.
4. ~~In case the name of~~ When the name of a greyhound is changed, the new name, together with the former name, shall be published in the official entries and program ~~until after the greyhound has started three times~~ for the greyhound's next three starts.

M. Veterinarians

1. ~~There shall be two official veterinarians, approved by the Department and~~ The Department shall approve two official veterinarians, licensed to practice veterinary medicine in the state of Arizona. ~~One veterinarian shall be employed by the permittee and one veterinarian shall be employed by the Department.~~ The permittee shall employ one of the official veterinarians and the Department shall employ the other official veterinarians.
2. No change
3. The track veterinarian shall be present during all official races and all official schooling races and shall observe each greyhound as it enters the lockout kennel, examine it when it enters the paddock prior to the race, and recommend to the stewards that any greyhound be scratched ~~which he or she~~ that the veterinarian deems unsafe to race or physically unfit to produce a satisfactory effort in a race.
4. The track veterinarian shall place any greyhound deemed unsafe, unsound, or unfit on a suspension list ~~which~~ and shall ~~be posted~~ post the list in a conspicuous place available to all owners, trainers, and officials.
5. ~~Once~~ After a greyhound has been placed on a suspension list, it may ~~be allowed to~~ not race ~~only after~~ until it has been removed from the list by the track veterinarian with the approval of the Department veterinarian.
6. The Department veterinarian shall inspect and report to the Department the condition of ~~on each and~~ every kennel ~~where greyhounds are kenneled~~ at the track of the permittee. ~~These~~ The inspections shall be made at ~~such times as the Department shall~~ at a time of the Department's choosing. ~~specify and the~~ The report filed with the Department shall cover the general physical condition of the dogs, sanitary conditions of the kennels, segregation of bitches in season, segregation of sick dog, the types of medicine found in use, and any other matters or conditions which ~~he or she~~ the Department veterinarian deems worthy of note.
7. The entry of ~~any~~ a greyhound on the veterinarian's list may be accepted only after approval by the track and Department veterinarian and after a minimum of three calendar days from the date ~~placing of~~ the greyhound was placed on the veterinarian's list ~~have elapsed~~.
8. Every veterinarian licensed by the Department shall keep a written record of ~~their practice~~ the veterinarian's practice on the grounds of a permittee relating to greyhounds participating in racing.
    a. No change
        i. No change
        ii. No change
        iii. No change
        iv. No change
    b. No change
    c. No change
    d. No change
    e. No change
    f. All new and experimental medications and drugs used on the grounds shall be approved by the Department, acting on the recommendation of the Department veterinarian. The Department, acting on the recommendation of the Department veterinarian, shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds.

R19-2-312. Registration and Transfers

A. No change
B. No change
C. No change
D. A greyhound shall not be entered for racing or schooling at any official track unless it has been tattooed, or permanently identified in a manner acceptable to the NGA, and registered in the NGA stud book and unless the last six performance lines, if applicable, and the racing history of the greyhound, are made available to the racing secretary from the Greyhound Information System.
E. No change
F. No change
G. No change
H. No change
I. ~~The~~ A part owner of ~~any~~ a greyhound cannot assign the owner's share or any part of it without the written consent of the other partners~~,~~. ~~the said~~ The consent ~~to~~ shall be filed with the racing secretary.
J. A certificate of registration for ~~each~~ a greyhound shall be filed with the racing secretary at the race track where ~~said~~ the greyhound is to be schooled, entered, or raced.
K. ~~All~~ The certificates of registration shall be available at all times for inspection by the stewards.
L. ~~All~~ A transfer of any title to, leasehold in, or other interest in greyhounds schooled, entered, or racing at any track under the jurisdiction of the Department shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.
M. ~~No~~ A title, leasehold, or other interest in any greyhound shall not be recognized by the Department until ~~such~~ the title, leasehold, or other interest shall be evidenced by written instrument duly filed with and recorded by the National Greyhound Association of Abilene, Kansas. Certified copies ~~thereof~~ shall be filed with the Department and the racing secretary at the race track where ~~said~~ the greyhound is to be schooled, entered, or raced.
N. ~~Whenever~~ When a greyhound is sold or transferred, or any interest in a greyhound is sold or transferred, during a meeting and after the greyhound has been registered ~~in~~ for the meeting, a copy of the bill of sale shall be filed with the racing secretary and forwarded ~~by him or her~~ to the Department.
O. No change
P. If a greyhound is sold to a disqualified person, ~~said~~ the greyhound's racing engagements ~~shall be~~ are void as of the date of sale.
Q. No change
R. ~~No~~ A transfer of a greyhound or engagement may not be made for the purpose of avoiding disqualification. ~~The~~ A ~~person(s)~~ person making or receiving such transfer may have a civil penalty invoked or ruled off.
S. No change
T. No change

R19-2-313. Leases

A. The lessee of a greyhound shall file a copy of the ~~National Greyhound Association lease agreement~~ Uniform Greyhound Certificate of Lease agreement with the Department. The lease agreement shall include:
  1. The name of the greyhound,
  2. The name and address of the owner,
  3. The name and address of the lessee,
  4. The kennel name~~, if any,~~ of each party,
  5. The terms of the lease.

B. ~~No~~ A corporation having more than ~~10~~ ~~ten~~ stockholders who are the registered or beneficial owners of stock or membership in the corporation ~~shall~~ may not lease any greyhound owned or controlled by it to any person or partnership for racing purposes.
C. ~~No~~ An owner's license ~~shall~~ may not be granted to a lessee of any corporation referred to in subsection (B) of this Section.
D. No change

R19-2-314. Weights and Weighing

A. ~~All greyhounds~~ Each greyhound shall be weighed in not less than one hour before the time of the first race of the day.
B. Before ~~any~~ a greyhound is allowed to school or to race at any track, the owner or trainer shall establish the racing weight with the clerk of scales of ~~each~~ the greyhound ~~he or she enters~~.
C. At weighing-in time, ~~should there be~~ if there is a variation of more than ~~1 1/2~~ two pounds ~~either way~~ from the greyhound's established weight, the stewards shall order ~~said~~ the greyhound scratched.
D. At weighing-out time, if a greyhound loses weight in excess of two pounds while in the lockout kennels, the stewards shall order ~~said~~ the greyhound scratched. However, upon opinion from the veterinarian that ~~such~~ the loss of weight while in the lockout kennels does not impair the racing condition of the greyhound, the stewards may allow ~~said~~ the greyhound

to race.

E. No change

F. The established racing weight may be changed ~~from time to time~~ on written request of the owner or trainer and by consent of the stewards, provided ~~such~~ the change is made four calendar days before the greyhound is allowed to race at the new weight.

1. ~~All greyhounds having established~~ Each greyhound with a weight change of more than one pound shall be schooled at least ~~one or more times~~ once at the discretion of the stewards at the new established weight before being eligible for starting.
2. ~~Greyhounds~~ A greyhound that ~~have~~ has not raced or schooled officially for a period of three weeks shall be allowed to establish new racing weight with the consent of the stewards and shall be schooled officially immediately upon receipt of ~~said~~ the consent.

G. The stewards ~~shall have the privilege~~ have the authority to order ~~of~~ the weighing of a greyhound entered in a race at any period from the time it enters the lockout kennel until post time.

H. Immediately after being weighed in, the greyhounds shall be placed in lockout kennels under the supervision of the paddock judge. ~~and no~~ No owner or other person ~~excepting~~ except the paddock judge, veterinarian, kennel master, clerk of scales, lead-out, steward, or Department representative shall be allowed in or near the lockout kennels.

R19-2-315. Schooling

A. ~~All official~~ Each schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.

B. No change

C. No change

D. ~~Any~~ A greyhound that has not raced for a period of 10 racing days or more shall be officially schooled at least once at its racing weight before being eligible for entry.

E. ~~All greyhounds~~ Each greyhound in official schooling races shall ~~be raced~~ race at ~~their~~ its established racing weight and shall ~~be started~~ start from the box wearing blankets.

F. No change

G. ~~Any~~ A greyhound may be ordered on the official schooling list by the stewards at any time for good cause and shall be schooled officially and satisfactorily before being allowed to enter a race.

H. No change

I. Each permittee shall make provision for an adequate number of official schooling races, to be run both before and during the meeting, to allow for the qualification of ~~older~~ greyhounds. ~~Each permittee shall make provision for an adequate number of official schooling races for the training of pups. Each pup never having started shall be entitled to run its first two schooling races out of a box in a four-dog race.~~

J. ~~Any~~ Each greyhound that fails to meet the established qualifying time ~~as established~~ shall not be permitted to start in a race other than ~~in~~ futurity or stakes races.

K. Official schooling shall be maintained throughout the meeting up to at least one week prior to the ~~closing date thereof~~ the last scheduled date of the meeting.

L. ~~Distance~~ The distance of official schooling races and number of greyhounds in these races shall appear on the Form chart.

~~**M.** All greyhounds running in a hurdle race shall be officially schooled over the hurdles.~~

~~**N.**~~**M.** No change

~~**O.**~~**N.** No change

R19-2-316. Entries and Subscriptions

A. Condition for entry

1. ~~No~~ A greyhound ~~shall~~ may not be entered in a race unless the full name of every person having an ownership in a greyhound or accepting the trainer's percentage or having any interest in its winnings is registered with the racing secretary ~~before it starts at any meeting~~. ~~Every~~ A change in ~~such~~ a greyhound's ownership or interest ~~thereafter~~ made during that meeting shall be registered with the racing secretary; a copy of this shall be delivered promptly to the Department by the racing secretary of the track where the greyhound is racing.
2. ~~No~~ A greyhound ~~shall~~ may not be entered in a race unless the conditions set forth in R19-2-313 pertaining to registration are met.
3. ~~No~~ A greyhound ~~shall~~ may not be permitted to enter or to start unless it is conditioned by a licensed trainer or owner-trainer.
4. ~~No~~ A greyhound ~~shall~~ may not enter or start in a race unless it has been fully identified and tattooed. ~~All~~ A ~~persons~~ person who ~~participate~~ participates in any manner in establishing the identity of a greyhound, including the breeder, owner, trainer, and identifier, ~~are~~ is responsible for the accuracy of the information they provide.
5. The stewards ~~shall have the right to call on~~ may require any person in whose name a greyhound is entered to produce proof that the greyhound ~~entered~~ is not the property either wholly or in part of any person who is disqualified, or to produce proof of the extent of his or her interest or property in the greyhound. ~~In default of such proof being given to~~

~~their satisfaction~~ If the stewards are not satisfied as to the ownership of the greyhound, ~~the stewards~~ they may declare the greyhound out of the race.

6. Each permittee shall establish a qualifying time for its 3/8- and 5/16-mile races. The permittee shall notify the ~~Department~~ stewards at least three days before the first day of official racing of the qualifying time established and specify time which, while in effect, shall be continuously posted on the notice board at the track and approved by the stewards.
   a. ~~Any~~ A change in the established qualifying time ~~established~~ during the course of a meeting ~~shall~~ may only be made ~~only~~ with the approval of the ~~Department~~ stewards.
   b. ~~Any~~ A greyhound that fails to meet the established qualifying time ~~as established shall not be permitted to~~ may not start in a race ~~start~~ other than ~~in~~ a futurity or stakes ~~races~~ race.
7. No change
   a. No change
   b. No change
   c. No change
   d. No change
8. No change
9. At least ~~four~~ three past performances of a greyhound shall be available for the program.
10. ~~Owners~~ Trainers shall ~~be expected to retire a~~ remove an off form greyhound ~~off form~~ from the active list. Failure to do so ~~shall constitute~~ are grounds for suspension of ~~said~~ the greyhound.
11. ~~Greyhounds~~ A greyhound that ~~have~~ has been retired for conditions or worming shall be brought back to racing weight before being entered.
12. ~~All greyhounds~~ A greyhound that ~~have~~ has not raced in three or more weeks ~~or more~~ shall be allowed to establish new racing weight with the ~~consent~~ permission of the stewards.
13. No change

B. No change

1. No change
2. ~~Every~~ Each entry in a race shall be in the name of the registered owner or in the kennel name.
3. No change
4. ~~Any~~ A greyhound eligible at the time of entry shall continue to be qualified, except in an overnight event in which it shall be eligible at the time of the start.
5. A kennel owner, trainer, or their authorized agent may enter a greyhound in person, by telephone, ~~by telegram~~ by facsimile, or in writing.
6. No change
7. ~~If any~~ An entry from ~~any~~ a person or of ~~any~~ a greyhound that stands suspended or expelled ~~is received, such entry~~ shall be void and ~~the~~ any money paid for ~~such~~ the entry~~, if any,~~ shall be refunded. ~~Any money~~ Money or ~~prize~~ prizes won under ~~said~~ such an entry shall be returned.
   a. No change
   b. ~~Any~~ A person having an interest in a greyhound less than the interest or property of ~~any other~~ another person is not entitled to assume any of the rights or duties of an owner as provided by these rules, including the right of entry and declaration.
   c. No change
   d. No change
   e. If ~~a miscarriage~~ the validity of any entry of declaration in a stakes race is alleged, satisfactory proof that it was mailed or telegraphed shall be presented within a reasonable time or it shall be deemed not received.
8. ~~If any entry from any person or of any greyhound that stands suspended or expelled is received, such entry shall be void and the money paid for such entry, if any, shall be refunded. Any money or prize won under said entry shall be returned.~~

C. Closing

1. Entries for purse races shall close at the advertised time. ~~advertised and no~~ No entry shall be received after that time. If a race fails to fill, additional time may be granted by the stewards.
2. No change
3. ~~When the time for closing is designated, entries~~ Entries and declarations for stakes ~~cannot~~ will not be ~~received~~ accepted ~~thereafter~~ after the designated time.
4. A greyhound ~~shall not become a starter~~ may not start in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.
5. There should be at least six separate kennel owners in ~~any given~~ each race. ~~and no~~ An owner or trainer ~~shall~~ may have no more than two greyhounds in ~~said~~ a race without the ~~expressed~~ permission of the ~~Department~~ stewards. The requirements of this subsection are applicable to all greyhound races, including all ~~so-called~~ short field races of five or fewer greyhounds. Prior approval of the ~~Department~~ stewards must ~~first~~ be ~~secured~~ obtained before conducting

any race ~~where~~ in which five or fewer greyhounds are entered.

6. ~~In the event the number of~~ When the entries to any purse race ~~is in excess~~ exceeds ~~of~~ the number of greyhounds that may, because of track limitations, be permitted to start, the starters for the race shall be determined by lot in the presence of those making entries.
7. The post position of greyhounds ~~in starting~~ shall be assigned by lot or drawing supervised by the stewards and the racing secretary, at a time and place properly posted on the trainer's bulletin board~~.~~. The draw shall occur at least one day ~~previous~~ prior to the running of the races, so that any and all owners, trainers, or authorized agents interested may be present.
   a. No ~~alteration shall~~ change may be made in any entry after closing of entries, but an error may be corrected.
   b. ~~Every~~ Each greyhound entered for a purse shall be a starter unless it is declared or scratched.
8. No change
9. ~~Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.~~ Following the closing of entries, the racing secretary shall compile and conspicuously post them.
10. The holder of ~~a~~ any claim, whether ~~it be~~ a mortgage bill or sale or lien of any kind against a greyhound, ~~shall be~~ is required to file ~~the same~~ the claim with the racing secretary ~~previous~~ prior to the time the greyhound is entered. Failure to do so shall result in the forfeit of the holder's rights in ~~the~~ any winnings of the greyhound ~~previous~~ prior to the time ~~his or her~~ the claim is ~~properly~~ filed.

D. No change

1. ~~The entrance to a purse race shall be free unless~~ Unless otherwise stipulated in the conditions of the race~~.~~, there shall be no charge to enter a greyhound in a purse race. ~~If~~ When the conditions require an entrance fee, the fee must accompany the entry.
2. ~~The~~ A person entering a greyhound is liable for nominating, sustaining, and starting fees. ~~Neither the subscriber nor such subscriber's transferee shall receive any refund of such fees because of the death or withdrawal of a greyhound or because of a mistake in its entry if the greyhound is eligible, except~~ Except as provided in subsection (3)~~.~~, there shall be no refund of these fees.
3. Entrance ~~money~~ fees to a purse race that is run is not refundable ~~either for failure of a greyhound to start or for death of a greyhound~~ unless otherwise provided for in the conditions of a race.
4. ~~The entrance money~~ Entry, starting, and subscription fees ~~in every race~~ shall be distributed as provided for in the conditions of the race. If a race is not run, all stakes or entrance money shall be refunded.
5. ~~No entry, subscription, or right of entry under it shall become void on the~~ The death of the nominator or subscriber does not void entry, subscription or right of entry of a greyhound.
6. A greyhound ~~shall not become a starter for~~ may not start in a race unless ~~there has been duly paid~~ any stake or entrance money ~~payable in respect to~~ for that race has been paid.
7. A person entering a greyhound ~~thereby becomes~~ is liable for the entrance money or stake.
8. ~~An~~ The entry of a greyhound in a sweepstakes is a subscription to the sweepstakes~~, and~~ making the subscriber ~~is~~ liable for stake and forfeit fees;. should he or she If the subscriber properly ~~transfer~~ transfers the entry, ~~he or she~~ the subscriber is liable only in case of default to the transferee. ~~Similarly, the~~ The seller of a greyhound with engagements is liable for stake or forfeit if the engagement is not kept.
   a. When a person is prevented by these rules from entering or starting a greyhound for ~~any~~ a race without paying arrears for which such person would not otherwise be liable, ~~such~~ the person may, by paying ~~same~~ the arrears, enter or start the greyhound and have the arrears placed on the forfeit list as due to such person.
   b. If a seller of a greyhound with engagements is compelled to pay arrears through the purchaser's default, ~~such~~ the seller may place the amount of the forfeit list as due from the purchaser to the seller. This rule shall also apply in the transfer of entries when the transferee defaults.
   c. ~~The racing secretary, with~~ With the approval of the stewards, the racing secretary shall have full authority to waive the obligations incurred by this Section ~~according to the circumstances of the case~~.
   d. If the racing secretary ~~should allow~~ permits a greyhound to start in a race without ~~it's~~ the entrance money or stake having been paid, ~~such~~ the racing secretary shall be liable for it.
9. ~~Any~~ An entry in a sweepstakes is a subscription and ~~cannot~~ may not be withdrawn.

R19-2-317. Rules of the Race

A. No change

1. ~~All greyhounds~~ A greyhound shall race under ~~their~~ its registered owner's name as shown on ~~their~~ the registration papers or upon Department approval.
2. No change
3. ~~All greyhounds~~ A greyhound shall be identified and exhibited in the paddock before post time of the race in which ~~they are~~ it is entered.
4. ~~All greyhounds~~ A greyhound shall wear the regulation muzzle and blanket while racing. Each ~~Muzzle~~ muzzle and ~~blankets~~ blanket shall be carefully examined in the paddock by the paddock judge before the greyhounds leave for the

post and shall again be examined before the stewards at the stewards' stand, and by the starter at the starting box.

5. After the greyhounds have entered the track, ~~not more than 15 minutes shall be consumed in~~ the parade of the greyhounds to the post shall be no longer than 15 minutes, unless ~~further~~ a delay is unavoidable.
6. No change
7. When If a greyhound is injured ~~by any accident~~ after weigh-in, it may be excused by the stewards~~,~~ on the advice of the track veterinarian and shall not be considered ~~to have started in the race~~ a starter.

B. No change

1. ~~No race shall be called~~ A race may not be declared official unless the lure ~~is in advance of~~ precedes the greyhounds at all times during the race~~;~~. ~~if~~ If, ~~at any time~~ during the race, ~~any~~ a greyhound ~~or greyhounds catch or pass~~ catches or passes the lure, the stewards shall declare it "no race" and all monies wagered shall be refunded.
2. No change
3. No change
4. If a greyhound bolts the course, runs in the opposite direction, or does not run the entire prescribed distance for the race, it shall forfeit all rights in the race and no matter where it finished, the stewards shall declare the finish of the race the same as if said greyhound were not a contender. However~~, for the purpose of the rule,~~ ~~said~~ the greyhound shall be considered a starter.
5. No change
6. If it appears that a greyhound may interfere with the running of the race because of failure to leave the box, ~~because of~~ or accident, or for any other reason, ~~any~~ a person under the supervision of the stewards ~~stationed around the track~~ may remove ~~said~~ the greyhound from the track. However~~, for the purpose of the rule,~~ ~~said~~ the greyhound shall be considered a starter.
7. If a race is marred by jams, spills, or racing circumstances other than accident to the machinery and outside interference ~~while a race is being run~~, and three or more greyhounds finish, the stewards shall declare the race ~~finished~~ official, but if ~~less~~ fewer than three greyhounds finish, the stewards shall declare it "no race" and all monies wagered shall be refunded.
8. No change
9. ~~All greyhounds~~ Each greyhound ruled off for fighting or quitting ~~are shall be permanently~~ suspended ~~for life~~ on any track operating under the jurisdiction of the Commission.
10. Any act of the owner, trainer, or handler of a greyhound ~~which~~ that ~~would tend to~~ may prevent ~~the~~ a greyhound from running its best ~~and winning if possible~~ shall ~~mean~~ result in the suspension of ~~all persons~~ each person found guilty ~~of complicity~~.

C. Dead heats

1. When a race results in a dead heat, the ~~heat~~ race shall not be run off. When two greyhounds run a dead heat for first place, all prizes to which the first and second greyhounds would have been entitled shall be divided equally between them; this applies in dividing prizes whatever the number of greyhounds running a dead heat and whatever places for which the dead heat is run.
2. ~~Each greyhound that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as such winner to any penalty attaching to the same.~~ When a dead heat for win occurs, each greyhound involved in the dead heat shall be considered a winner and will be liable for any penalty attached to the winning of the race.
3. If the ~~dividing~~ owners of the greyhounds involved in a dead heat cannot agree ~~as to which of them is to have a~~ on the disbursement of a cup or other prize which that cannot be divided, the ~~question shall be determined~~ cup or prize will be determined by lot.

D. No change

1. Winnings shall include all prizes earned up to the time appointed for the start~~,~~ and shall apply to all races in any ~~country~~ wherever run~~,~~. ~~and shall embrace~~ Winnings shall include earnings from a ~~walking~~ walk over or receiving forfeit, but do not include second and third money, or the value of any non-monetary prize ~~not of money or not paid in money~~. Winnings during the year shall be ~~reckoned~~ determined from the preceding January 1 ~~preceding~~.
2. No change
3. In estimating the net value of a race to the winner, all sums contributed by ~~it's~~ the owner or nominator shall be deducted from the amount ~~it~~ won.
4. ~~Winners or losers of hurdle races shall not be considered winners or losers on the flat and vice versa.~~

E. No change

1. No change
2. No change
3. No change
4. The declaration of a greyhound ~~out of an engagement~~ is irrevocable.
5. ~~Any~~ A greyhound ~~which~~ that is withdrawn from a race after the overnight entries are ~~finally~~ closed ~~shall be~~ is deemed a scratch. ~~Such a~~ The declared greyhound shall lose all preference accrued up to that date unless excused by the stewards.

a. No change
b. ~~Any scratches~~ A scratch that ~~occur that are the result of a~~ occurs resulting from a violation of a racing rule shall carry a penalty and/or a suspension of ~~said~~ the scratched greyhound for ~~a period of~~ six racing days. Scratches for other causes ~~shall~~ may be disciplined at the discretion of the stewards.
c. ~~However, if any owner or~~ If a trainer fails to have ~~the~~ a greyhound entered at the track at the appointed time for weighing in~~, and as a result said~~ causing the scratch of the greyhound ~~is scratched~~, the stewards shall impose a forfeiture and may suspend or fine the person responsible.
d. If three or more greyhounds are withdrawn or scratched in any one race, the stewards may cancel ~~said~~ the race.
e. No change

6. ~~All greyhounds~~ A greyhound scratched from a race because of overweight or underweight shall receive a ~~seven-day~~ six-day suspension and shall school back before starting in an official race. Greyhounds so scratched may school during their suspension.

R19-2-318. ~~Hurdle Races~~ Repealed

~~**A.** The jumps or hurdles used by any permittee shall be of a type approved by the Department and must extend from the inside rail across the racing strip to the opposite rail.~~
~~**B.** The jumps or hurdles used by any permittee shall be not less than 30 inches high and shall be constructed of a material or substance not injurious to the greyhounds participating.~~
~~**C.** The lure used in a hurdle race shall be of a type approved by the Department and shall be operated in a consistent manner by the lure operator.~~
~~**D.** Greyhounds running in a hurdle race shall jump or hurdle not less than four jumps or hurdles. No jump or hurdle shall be placed less than 25 yards from the entrance or exit to a turn.~~
~~**E.** Greyhounds running in a hurdle race shall be properly schooled in hurdle racing in the presence of a steward at least two times at the track where they are to race and shall, in the opinion of a steward, be sufficiently experienced before they can be entered.~~
~~**F.** If a greyhound fails to go over all hurdles in a race it shall forfeit all rights in the race, and no matter where the greyhound finished, the stewards shall declare the race the same as if the greyhound were not a contender. No refund shall be made for pari-mutuel tickets purchased on such greyhound. Touching the hurdles is permissible and shall not disqualify the greyhound.~~
~~**G.** Greyhounds who have been running in hurdle races on any track in Arizona during the calendar year must be schooled at least twice on the flat before being entered in a race on the flat.~~
~~**H.** All hurdle racing over courses established by a permittee shall be in conformity with the rules of greyhound racing as adopted by the Commission where such rules consistently apply.~~
~~**I.** Winners or losers of hurdle races shall not be considered winners or losers on the flat and vice versa.~~

R19-2-320. Objections

A. ~~Every~~ An objection ~~shall~~ may be made by an owner or ~~his or her~~ the owner's authorized agent, by a trainer of ~~some other~~ another greyhound engaged in the same race, or by the officials of the course. ~~Such~~ An objection shall be made to the stewards, who may require that the objection be made in writing with a copy ~~thereof~~ sent immediately to the Director.
B. The stewards may require a cash deposit of $200 to cover costs and expenses in determining an objection. The deposit posted ~~herein~~ may be forfeited if the objection should prove to be without foundation.
C. ~~Any~~ An objection ~~which~~ that cannot be decided by the stewards during the meeting shall be made in writing and lodged with the Director.
D. ~~Any~~ An objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
E. ~~Any~~ An objection ~~of a greyhound~~ pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the ~~official numbers of the greyhounds' place in the race are posted on the odds board~~ the stewards declare the race official.
F. No change
G. No change
H. No change
I. No change
J. No change
K. No change
L. A person ~~shall~~ may not lodge an unsubstantiated objection with the stewards.
M. No change
N. ~~Permission~~ The permission of the stewards is necessary before an objection may be withdrawn.

R19-2-328. Transportation of Greyhounds

A. No change
B. No change
C. No change
D. No change
E. No change
F. No change
G. No change
H. No change
1. No change
2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association
3. No change
4. No change
5. No change
6. No change

I. No change

R19-2-329. Disposition of Greyhounds

A. No Change
1. ~~Greyhound names~~ The name of each greyhound
2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association
3. ~~Name~~ The names of owners/lessees
4. No change
5. No change

B. No change
C. No change